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The Nation.

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EDITORIAL

THE U.N.'S ROLE AS PEACEMAKER

Washington, particularly with this Administration, likes to ignore the United Nations. Or Red-bait it, or decry the antics of all those Third Worlders, or use it as a forum to condemn Soviet imperialism.

The irony is that if the United States really wanted to do something about Soviet imperialism, it would not be placing roadblocks in the path of negotiations in the United Nations on Afghanistan. Beginning this summer and continuing even now, remarkable progress has been made under U.N. auspices toward reaching an agreement calling for the staged withdrawal of the 105,000 Soviet troops in Afghanistan and the establishment of a coalition government in Kabul that would include Afghani insurgents.

Soviet Foreign Minister Andrei Gromyko has publicly indicated his support of the plan. The foreign ministers of Afghanistan and Pakistan have agreed to it. So who could be opposed?

Well, Washington certainly isn't doing much to help the agreement along. Its continuing covert aid to the Afghani insurgents does nothing to persuade them to settle for a share of power in a coalition government. And its efforts in diplomatic circles have been largely to indicate its displeasure at having the kind of Soviet-leaning government in Kabul that would most probably remain after a Soviet withdrawal. On this last point the Reagan line is particularly ill-founded: after all, Afghani governments for decades before the Soviet invasion had been careful not to offend the empire to the north.

The Russians now find themselves bogged down in a nasty, unwinnable war. They have every reason to negotiate a restoration of the pre-invasion status quo. But so should the Afghani insurgents, and the valuable work of the United Nations offers them the perfect opportunity.

POLAND: WHAT WENT WRONG
Sidney Lens

ANDROPOV
Stephen F. Cohen

DOPING THE HIGH COURT
Geoffrey Aronow
Owen Fiss

KHOMEINI'S MANY WARS
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EL SALVADOR'S 'DEATH LIST'
Steven Salisbury

KATHERINE ANNE PORTER
Brina Caplan

TAKING OVER THE WEST BANK

THE ISRAELIS' 'IRREVERSIBLE' SETTLEMENTS

LESLEY HAZLETON

Hanging on the wall over my desk are maps, Israeli settlement maps of the West Bank in 1985, the West Bank in 2010, "Greater Jerusalem" in the year 2000. . . . Fantasies, I used to think. But no longer. Israel is determinedly establishing permanent sovereignty over the West Bank—territory taken from Jordan in the 1967 Six Day War—to the extent that outright annexation will be unnecessary. In the phrase used by Israeli government officials, the West Bank has "become Jewish."

Some of these maps were given to me by Zeev Ben-Yosef, deputy head of the settlement division of the World Zionist Organization, the main planning body for Israeli settlement in the West Bank. And it was Zeev Ben-Yosef who introduced the idea of that settlement as an act of irreversible brain damage.

We are sitting in his office in Jerusalem, poring over maps. In my mind I try to trace the Green Line—the line marking Israel's pre-1967 border; it has to be in my mind because it isn't on the maps. "Physically, any Israeli withdrawal from Judea and Samaria [the official term for the West Bank, using the Biblical names] is now impossible," Ben-Yosef says with relish. "The situation there is now irreversible."

The conversation is in Hebrew, and the word he uses for "irreversible" is an oddly clinical one. I ask him what he means by it.

"Irreversible," he says, "is like when you have a really bad head injury—let's say you've fallen off a horse or something—and the blood stops flowing to the brain. Well, if the brain gets no blood for over a certain amount of time, the

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LETTERS.

REAGAN OBSCENE, NOT HITCHENS

Dearborn, Mich.

Too bad some readers have such delicate sensibilities that they are offended by Christopher Hitchens's rather raunchy remark ["Letters," *The Nation*, Nov. 27]. As a woman I do *not* feel insulted by it, but I *am* outraged at Reagan's rape of women. I am appalled by the obscenities of his ruthless sacrifice of social welfare to the rapacious maw of the Pentagon. *Elizabeth Weideman*

VETS: 'NOT HOME YET'

Astoria, N.Y.

As a Vietnam veteran I read the November 27 *Nation* with great interest. Both Peter Marin's article ["What the Vietnam Vets Can Teach Us"] and Bruce Weigl's editorial [" 'Welcome Home' "] touched me in a very special and lonely place, though in different ways. Marin's voice was that of a sympathetic outsider, while Weigl's was that of a fellow witness. There's not much I can say to Marin except thank you for trying to understand what it means to be a Vietnam veteran and thus helping *us* to understand as well. To Weigl, however, I'd like to say a bit more.

We're not home yet, not as long as the rest of this country refuses to *let* us come home; that is, not until it faces up to what *we* did as a nation in Vietnam. We will "finally come home" on the day we can look other Americans in their eyes and see there the confession: "Yes, we did this terrible thing *together*." A monument buries the dead; what we need is a conversation, a confrontation among the living on the question of why the dead—and not only the American dead—died. Until then we'll still be "doing our time," waiting for our rotation back to the "Real World." *Ron Faust*

WHAT MARIN CAN TEACH US

Madison, Wisc.

If my memory is correct, I have been a steady reader of *The Nation* since 1948. In those thirty-four years I have found much to admire, and some things to be irritated by; but I do not recall any other piece that I have found so emotionally moving and so ethically wise as Peter Marin's "What the Vietnam Vets Can Teach Us."

"My" war was World War II, but I know enough from that conflict and from teaching American literature for decades to be certain that if we were all to take seriously what Marin tells us, our country would be a better place to live in. *Walter B. Rideout*

A NEEDED ENLIGHTENMENT

Kingston, R.I.

As a first-time subscriber, I just want to say that I am extraordinarily pleased by *The Nation*'s provocative pieces that tackle issues no other medium dares to. I've found the last few issues, especially, to be most useful in several of the classes I teach.

The article on Vietnam vets by Peter Marin is perhaps the most accurate, lucid appraisal of this subject that I've seen. He correctly identifies two aspects of that ill-conceived war that place it in a special category (at least in the history of U.S. armed conflict): (1) the extensive corruption of the South Vietnamese government which resulted in unfathomable black market dealings; and (2) the brutalizing racism of the war. As might be expected, and as my students in the history of American journalism have come to realize, those two stories were the least reported ones of the Vietnam conflict.

I plan to have all my students, most of whom were in the first or second grade during the height of the war, read Marin's article. In this state, where on Veteran's Day V.F.W. commanders publicly damn the "draft dodgers who went to Canada, got pardoned and then returned to get on the welfare rolls," enlightenment on this complex subject is surely needed. *N. L. Roberts*
Department of Journalism
University of Rhode Island

READING RUSSIA

Washington, D.C.

"So much of what we know about the Soviet Union," notes *The Nation*, is "reported through a haze of cold war rhetoric and ideological stereotypes [editorial, "Sovieticus," Oct. 23]. *The Nation* ought to know. One cannot pick up an issue of this otherwise fine magazine without being treated to contributors who feel compelled to display their anti-Soviet—or anti-Marxist, anticommunist or even just anti-left—credentials. Sometimes the display permeates an entire article or review, even one that supposedly deals with the iniquities of the right. More often the writer will flash his or her anti-communism in a parenthetical, almost casual aside, just enough to cover himself or herself.

The ploy is familiar and dates back at least to the McCarthy era, when one established credibility by anticommunist genuflection. Many did not realize that they were thereby strengthening the very cold war anti-Soviet mania and the very anticommunist orthodoxy that were undermining their own legitimacy as progressives. Rather than creating more space for themselves, they created less.

In addition, on the American left today it is, well, simply not very chic to say a positive word about Socialist countries (except maybe Cuba).

Am I suggesting that we be uncritical of the Soviet Union? Quite the contrary; the very thing that is missing is intelligent, informed criticism of the accomplishments, setbacks and problems of that nation. Instead we hear about Soviet "conservatism" and "state capitalism," about "Stalinism" and "gulags," about "superpower expansion"—ideas paraded before us as if they were self-explanatory and in no need of critical discussion.

What *do* we make of a nation that endured a protracted civil war and a foreign invasion; that threw back and destroyed the Nazi beast at enormous loss to itself; that in three decades made industrial advances equal to what it took capitalism a century to accomplish—while feeding and schooling its children rather than working them fourteen hours a day as did Western industrialists? And what do we make of a nation (one of the few in the world) that guarantees *all* its citizens a job, free medical care, free education, old age security and enough to eat?

Are these "minor" or "great" accomplishments? Did they come at too high a price? For whom? Who says? What is the implicit standard to which we compare the Soviet Union? The society that it replaced? or present capitalist societies? or Soviet claims? or some ideal model yet to be attained? And what are the political effects of what we say about the U.S.S.R.? Should we even ask that? How can we not ask it at a time when nuke nuts in the White House are talking about stopping the "Soviet Menace" once and for all?

We need more than just additional information about the Soviet Union. We need a conceptual framework and critical analysis of the unasked questions, the images and the unspoken assumptions that determine what information we select, what we ignore and *how* we think about it.

Unfortunately *The Nation*'s first "Sovieticus" column by Stephen F. Cohen [Oct. 23], an establishment Princeton Sovietologist, alerting us to "Iron-curtain Russophilism," "pogrom-minded forces in Soviet politics" and a Russia that might become "a nuclear superpower driven back upon its most despotic traditions," promises little relief from the ideological stereotypes. *Michael Parenti*

NEW JERSEY FREEZE VOTE

St. Louis

Because of a clerical error, the National Clearinghouse gave *The Nation* incorrect figures for the returns of New Jersey's nuclear weapons freeze referendum [editorial, "'82: The Freeze," Nov. 13]. The correct figures are: 1,219,270 (66 percent) voted for the initiative; 629,621 (33 percent) voted against it. *Barbara Roche, Co-Chairperson*
National Nuclear Freeze Clearinghouse

The Nation welcomes letters—typed, double-spaced and no longer than 300 words, please. Longer letters may be edited for reasons of space.

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EDITORIALS.

Welfare Politics

Ever since Ronald Reagan was elected, segments of the liberal left have been brooding and mulling over what kind of political strategy to adopt for the 1980s.

Most of these speculations start with the assumption that Reagan's narrow victory was less the result of his promise to "get government off our backs" than of discontent and disillusionment with Carter. And most of the analyses rightly assign significance to the fact that of the 163 million people eligible to vote in 1980, 76.5 million, or 47 percent, stayed home, most of them poor, young, black or unemployed.

The December issue of Frank Riessman's *Ideas for Action* contains a particularly compelling analysis and proposal that is simultaneously a movement strategy and an electoral strategy. A fuller version of the argument, "A Movement Strategy to Transform the Democratic Party" by Richard A. Cloward and Frances Fox Piven, will appear in the winter issue of *Social Policy*, but the thesis can be summarized here and deserves widespread dissemination and serious consideration.

Put most simply, Cloward and Piven propose a progressive version of a voter registration drive—a strategy which has the appeal of appearing (and being) as patriotic as the League of Women Voters and the Boy Scouts. What distinguishes *this* registration proposal, however, is that "the newly created terrain of the welfare state provides the ideo-

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logical and organizational opportunities to register millions of voters."

Cloward and Piven note that the Reagan Administration's efforts to increase corporate profits in the midst of economic crisis and widespread unemployment have politicized economic issues in a way that ripens the opportunity for issue-oriented drives. Thus the millions of unregistered clients of the welfare state "can plainly be told that the corporate-Republican alliance is determined to slash food stamps, welfare, unemployment benefits and other income support programs to the bone."

The best part of the Cloward-Piven plan is that it takes advantage of two salient features of the welfare state. First, how it concentrates nonvoters "on its lines and in its waiting rooms . . . making it possible to register thousands of people in a day." Second, how it provides a cadre of potential registrars: the millions of human service workers who "regularly interact with tens of millions of nonvoters in hospital social service departments, day-care centers, settlement houses, legal services offices, family service agencies, senior citizen centers, unemployment offices, welfare waiting rooms, public housing projects, and in scores of other agencies."

Cloward and Piven warn that if human service workers are effective in this drive they may expect reprisals—including firing—even if their activities are conducted in a nonpartisan manner in waiting rooms during lunch breaks or on lines before the agency has opened for the day. To help protect against this and to provide them with the insulation of legitimacy, it is proposed that outsiders—clergy members, unionists, civil rights activists and others—initiate and organize these drives.

Even with such protective covering, this sort of registration campaign would constitute a real threat to the careers and interests of the powers that be, Cloward and Piven say, and would provoke furious opposition from the Republican and Democratic Parties and the business community. That in turn might ignite "a political firestorm over the issue of democratic rights," a fight which could help transform a campaign into a protest movement that could dramatize all aspects of the system's economic warfare against the poor.

We are not sure that the leaders of the Democratic Party would not welcome new voters rather than resist them, simply because it is in their short-term electoral interests—regardless of the long-range threat to their position posed by a class-based party built around women, minorities, industrial workers and the tens of millions of beneficiaries of the welfare state. But the Cloward-Piven proposal is intriguing precisely because even if they are wrong, it has no downside. If they are right, "the conflict engendered by a registration movement will convert registering and voting into meaningful acts of collective protest. And through collective protest, millions of politicized poor and minority voters will enter the Democratic Party. . . . And with that realignment, perhaps the increasing politicization of the American electorate will be matched by an ideologically oriented party politics."

Agents of Peace

Tass, the Soviet press agency, recently denounced members of Moscow's only independent peace group as "criminals" sponsored by Western secret services. It claimed that the formation of the unofficial "Committee to Establish Trust Between the U.S.S.R. and the U.S.A." last June by eleven private citizens was actually "an act of provocation of Western secret services." Thus did the Russians achieve parity with President Reagan, who last month disclosed that there is "plenty of evidence" that the American peace movement is infiltrated and led by "foreign" agents.

We have a proposal. Why don't President Reagan and Soviet party leader Andropov get together at a summit and agree to withdraw their secret services from the peace groups in each other's country. That way, there would no longer be any peace movements, and if there are no peace movements that proves there isn't any nuclear threat. Right?

C.N.D., Alive and Well

London

At the end of November, in the northern industrial town of Sheffield, the Campaign for Nuclear Disarmament held the largest annual conference in its history. Five years ago, C.N.D. was regarded as a politically insignificant organization, fit for socialist cranks and religious deviants, and had a membership of only 3,000; today it claims 300,000 members and is strong enough to have mustered a quarter of a million demonstrators in June at London's Hyde Park.

The growth of support for C.N.D. reflects the same public alarm over the nuclear threat that is making disarmament a significant political issue. The Labor Party, after passing a resolution at its conference in September, now has unilateral disarmament as part of its program.

For the peace movement in Britain, next year will be critically important. A general election, expected in the fall, will test the movement's ability to turn popular support into votes that can seat M.P.s committed to antinuclear policies; in December, as things stand, the first cruise missiles are due to be installed at air bases across the country.

From the conference two things emerged. First, stopping the cruise missiles through "non-violent direct action" and civil disobedience will be C.N.D.'s top priority. Already there are eight "peace camps" established outside bases where the missiles are likely to be deployed. At a "women's camp" at Greenham Common set up in September 1981, twenty-three women have been arrested for what is called, with an Orwellian inversion, "refusing to be bound over to keep the peace." Sixteen women are still encamped, using plastic sleeping bags since they have been forbidden to put up tents.

Second, C.N.D. intends to avoid the tangles of party politics, despite Labor's endorsement of unilateralism:

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C.N.D. old hands remember how the Wilson government in 1964 went ahead with the development of Britain's Polaris missile in spite of pre-election mumblings against it. A nonpartisan approach is seen as the best way of securing popular support, a view strengthened by a recent opinion poll showing that 40 percent of Tory voters are opposed to the cruise missiles and to the government's decision to buy Trident submarines. A group calling itself TACT (Tories Against Cruise and Trident) was conspicuously applauded several times at the conference.

The hottest debate of the conference was over a motion, narrowly passed, calling for C.N.D. to campaign for Britain's withdrawal from NATO. According to E.P. Thompson, this could allow C.N.D.'s enemies "to paint us into a corner"; he and others maintained that C.N.D.'s attacks on NATO should be coupled with attacks on the Warsaw Pact and that both alliances should be dismantled. C.N.D.'s constitution includes among its aims "unilateral abandonment by Britain of nuclear alliances," but this specific resolution may jeopardize the organization's efforts to broaden its appeal. The degree of enthusiasm with which resolutions are enforced, however, depends on the C.N.D. national council, which will presumably not have the time or the inclination to promote a campaign so narrowly endorsed in a year that could make or break the organization.

JONATHAN BIRCHALL

Jonathan Birchall, a former Nation *intern, is a freelance writer living in London.*

What Went Wrong

As Poland completes a year of martial law, many questions remain to be answered about what went wrong. It is useless to shout the usual denunciations of Communism as an oppressive system or to characterize Wojciech Jaruzelski as the incarnation of the Devil. Nor does it do the left much good to express uncritical praise for Solidarity and its leaders, as if they played no role in the tragedy.

The formation of Solidarity in the wake of sit-down strikes at Gdansk and elsewhere two years ago was one of the most hopeful events of our times. After four aborted efforts at reform—in 1956, 1968, 1970 and 1976—it seemed that a Communist country within the Soviet orbit was on the verge of establishing what the hapless Czechs in 1968 had called "socialism with a human face."

A million Communists joined Solidarity to emphasize, as one of them put it to me, that "we want socialism, but not the kind our party is practicing." There were rumors that the "liberals" in the party were prepared to adopt either the decentralized Yugoslav system of worker self-management (in which workers elect plant committees, pass on policies and share profits) or at least a modified system like Hungary's. Either would have been a great improvement.

It never came about. Solidarity was noble, humane and idealistic in the broad sense, but painfully inept in its tactics and strategy. It failed to appreciate that there were limits to its power—notably those imposed by a massive Soviet Army to the east—which dictated the need for compromise. It had help from Communist "liberals," who tarried too long to be able to implement the self-management program, and the Reagan Administration, which was not aware of the limits of its own power.

The Reagan Administration saw in Poland the prospect of making the old policy of "containment" (and rollback) work—something that "effete" Presidents like Carter or Nixon could not accomplish. It envisioned Poland breaking away from the Soviet orbit and leading others in the same direction. It used economic pressure, sanctions and other means in an effort to bring this about, and—though this was not the determining factor—it strengthened the fatal illusion among some Solidarity leaders that they had meaningful—even decisive—outside support.

Buoyed then by the endorsement of the Catholic Church at home and Reagan abroad, the Solidarity people pushed much harder than reality permitted. They called one strike after another, without any larger economic goals, and though they insisted they had no political purpose, they acted and bargained as if they would soon become the foremost power in Poland. Solidarity officials—and especially their intellectual friends in KOR—could not swallow the notion that compromise was necessary with the moderate Communists, who had a far smaller popular base.

Left to their own devices, most Solidarity leaders would have preferred to leave the Soviet bloc, and some, no doubt, to establish a capitalist democracy. In the end there was no agreement on how to reform the economy—the central issue. Both sides approved of self-management, but Solidarity demanded more decentralization of the economy, while the Communists feared such a move would inhibit their ability to formulate national plans or intervene in the market if there was a balance-of-payments crisis or other economic distortion.

The Communists must share the blame for this failure to come to an agreement because they delayed much too long, creating the impression in many quarters that the only reforms they would accept would be window dressing.

What will happen now is anyone's guess. There is a good chance, I think, that Jaruzelski will follow the route taken by Janos Kadar in Hungary. After Soviet intervention in 1956, Kadar was imposed on the Hungarians and for a time ruled as a Stalinist dictator. After a few years, however, he released political prisoners, developed a democratic structure for collective farms and devised a form of self-management in the industrial sector which has improved the lot of the average Hungarian considerably.

If Hungary is a guide, Solidarity—or its cousin—may yet rise again in Poland as the linchpin of a humanistic form of Communism. We can only pray that Ronald Reagan gives up his illusions of rollback and confines his intervention to genuine economic aid for the Polish people. SIDNEY LENS

Sidney Lens, senior editor of The Progressive, *was in Poland last year covering the Communist Party convention.*

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SOVIETICUS.

STEPHEN F. COHEN

Is the Soviet political system capable of internal reforms? No international question is of such visceral importance to Americans and yet so badly understood. That much is clear, and almost only that much, from the frenzied media speculation set off by the death of Leonid Brezhnev and the emergence of Yuri Andropov as the new Soviet party leader.

Most American commentary falls into one of two opinions, both misconceived, about the prospect of change after Brezhnev. Either no "meaningful" change is possible because the Soviet dictatorship never changes. Or everything depends on Andropov because all power is concentrated at the pinnacle of the Soviet system.

In fact, fundamental changes, for better and for worse, have occurred throughout Soviet political history. We may dismiss those changes because they have not led to democratization. But often they have had life-or-death significance for Soviet citizens.

The decade of liberalizing reform, or de-Stalinization, led by Nikita Khrushchev between 1953 and 1964 is relevant today. Though ultimately limited, Khrushchev's reforms improved virtually every aspect of Soviet life. Mass terror was ended, millions of political prisoners were released, consumer goods and welfare provisions were given higher official priority, intellectual life was made freer and the Soviet Union moved from cold war to détente.

But while Khrushchev's policies demonstrated the possibility of reform from above, his ouster revealed two great obstacles. First, no Soviet leader since Stalin has had dictatorial power inside the top leadership. Nor has any leader been able to impose policy on the hundreds of high officials who actually run the vast centralized bureaucracies of the Soviet party-state, and whose representatives now sit on the Central Committee and even the Politburo.

That bureaucratic officialdom occupies the essential arena of Soviet politics, where important conflicts over power and policy are resolved. It overthrew Khrushchev when his reforms began to threaten centralized control over the economy in the early 1960s. And it defeated even the modest economic reforms proposed by the new Brezhnev-Kosygin leadership in 1965. To be effective, a reformist Soviet leader therefore must build a strong reformist coalition not only in leadership circles but in the officialdom below.

Therein lies the second great obstacle to reform. Soviet officialdom includes progressive reformers as well as reactionary neo-Stalinists, but it is dominated by profoundly conservative elites. Their conservatism, the product of many historical and contemporary factors, makes them reverential toward the past, defensively proud of the status quo and fearful that change will bring a worse future. Moreover, those sentiments probably are shared by most Soviet citizens. As a Soviet dissident explained in the late 1970s, "We aren't ruled by a Communist, fascist or mafia party but by a status quo party. Therefore, the people support it."

Born in reaction to Khrushchev's "harebrained" reforms, Brezhnev's eighteen-year reign gave full expression to this conservatism. While shunning all the "excesses" of would-be reformers and neo-Stalinists alike, his administration rehabilitated the Stalinist past, restored the authority of the central political, economic and cultural bureaucracies, and gave officials virtual lifetime tenure. The result was Russia's first truly conservative era since the revolution.

But prolonged conservatism often creates the conditions of future reform by allowing social problems to fester. In particular, the Soviet economy now is beset by increasingly serious problems of declining growth, productivity and supplies. Official reformers since Khrushchev have advocated changes in the hypercentralized system of economic planning and control, similar to ones in Eastern Europe, to give more play to market forces and decision-making below. Repeatedly they have been rebuffed and even silenced.

A crucial question raised by the Brezhnev succession is whether conservative officials now see those problems as crisis-like threats to the status quo, as they did in the 1950s, and therefore are ready for more reformist leadership. Some evidence of this began to appear in official publications even before Brezhnev's death. Ongoing market reforms in China may offset conservative objections that such policies are safe only in small Communist countries like Hungary.

Whether Andropov is the man to push through reform is a different question. Soviet leadership succession is a multi-year process of struggle, not a single event. Western accounts have exaggerated Andropov's personal power and underestimated the strength of the conservative and neo-Stalinist forces. Georgy Malenkov was quickly named party and state leader after Stalin's death; he, too, appeared confident at the funeral. He lost the first post within two weeks and the other two years later. At 68, Andropov, the oldest man ever to become party leader and thus far denied the ceremonial presidency important in foreign policy, doesn't have time for a prolonged struggle.

And yet, Andropov seems to have been the most reform-minded senior member of Brezhnev's Politburo, an impression he chose to reinforce cautiously in his first policy speech as the new general secretary. Nor does his fifteen-year stint as head of the K.G.B. disqualify him as a potential reformer. Soviet police chiefs, who must understand the limits of control, have become advocates of liberalizing change before. Indeed, Andropov may be the only current leader who can assuage conservative fears of reform. And lest we forget that politicians sometimes rise above their former careers, Khrushchev once was called "the butcher of the Ukraine" for his part in Stalin's terror.

Another factor will play a large role in any new struggle between Soviet conservatives and reformers. On at least five critical occasions since 1917, proponents of more liberal domestic policy suffered major defeats inside Soviet officialdom. At each turning point, the Soviet Union felt threatened in its relations with the West.

American hard-liners insist that cold war pressure will force Soviet leaders to reform. History tells us otherwise. As Casey Stengel used to say, you can look it up.

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ARTICLES.

A LOOK AT THE 'LIBERAL' VERDICTS

The High Court: Illusion of Victory

GEOFFREY ARONOW AND OWEN FISS

For a decade or more the Supreme Court has been moving toward the right, repudiating the legacy of the Warren Court and putting in its place legal doctrines that limit the reach of the Bill of Rights and the Civil War amendments. Then, in the closing days of last term, the Court announced a number of decisions that seemed of a wholly different character. The liberals seemed to have won.

Some of these decisions—involving, for example, the education of the children of illegal aliens, voting rights in Georgia, an N.A.A.C.P.-led boycott of white-owned businesses in Mississippi and a Washington State antibusing referendum—appeared to be strong affirmations of the ideal of equality, the principal domain of the Warren Court. But comparable stands were taken in other areas of the law as well. For the first time the Court held that mentally retarded people involuntarily committed to state institutions have a right to training. It also took up the issue of library censorship—never confronted by the Warren Court—and held that it would be an abridgment of freedom of expression for a school board to remove books from libraries because it did not like the ideas they contained.

There were no more than a dozen of these surprising decisions—out of more than 150 cases decided this past term—and in all but one of them the Court was deeply divided. Nonetheless, they came in cases of great importance, they were reported with banner headlines and they have caused a minor stir in the legal profession. The assumption has been that in some unspecified way they herald a new and more open era for the Court. That assumption, however, is largely unfounded: examining the dynamics of the Court and exploring the basis on which most of the cases were decided suggest that there is little reason for this optimism.

The replacement of Potter Stewart by Sandra O'Connor last term provides one key to explaining the Court's liberal decisions. Not because she thwarted the expectations of the President who appointed her—in fact, O'Connor revealed a vision of the Constitution and its role in American society that makes her a strong and reliable ally of Warren Burger and William Rehnquist—but because she may have accelerated Harry Blackmun's movement to the left.

The one O'Connor opinion that stands out above the rest, in terms of the strength of its conviction and the excesses of its language, is a dissent in which she spoke on behalf of the judicial version of the New Federalism heralded by Rehnquist and Burger. She accused Congress, in passing an energy measure, of trying "to kidnap state utility commissions," "conscript [them] into the national bureaucratic army," reduce "state agencies to bureaucratic puppets of the federal government" and transform the states into "field offices of the national bureaucracy."

The statute in question required state public utility commissions only to *consider* enacting regulations that might save energy. Blackmun wrote the majority opinion, which sustained that law as a proper exercise of Federal power over interstate commerce, and in that opinion he responded sharply to O'Connor's protestations:

"While these rhetorical devices make for absorbing reading, they unfortunately are substituted for useful constitutional analysis. For while Justice O'Connor articulates a view of state sovereignty that is almost mystical, she entirely fails to address our central point."

Blackmun also characterized O'Connor's dissent as "peculiar" and charged that her "apocalyptic observations, while striking, are overstated and patently inaccurate."

Such language is singularly uncharacteristic of Blackmun, who appears through his opinions and in person to be mild-mannered and genteel, and the conflict that evoked it suggests the dynamic that has been at work. The presence of O'Connor on the Court, precisely because she so dramatically augmented the strength of the Burger-Rehnquist bloc, might have driven Blackmun more consistently into alliance with the liberal Justices, William Brennan and Thurgood Marshall. O'Connor's presence might have strengthened Blackmun's sense of alienation from Burger and Rehnquist—increasingly apparent in recent years—or it might have more clearly brought to the surface what was truly at issue in these cases, forcing Blackmun to choose sides in the battle of opposing judicial philosophies.

Blackmun was appointed to the Court by President Nixon, as were Burger and Rehnquist, and thus it was natural at first to think he shared their views. This initial assessment—conveyed by the use of "Minnesota Twins" to describe Blackmun's ties to Burger—was at odds with Blackmun's record as a circuit judge, a sharp contrast to Burger's, and it soon was contradicted by his performance. In 1973 Blackmun wrote the majority opinion in the case holding state abortion laws unconstitutional and held fast to this position in subsequent cases involving the use of public funds to finance abortions.

Some attributed Blackmun's position on abortion to a prior involvement with the Mayo Clinic, but as time wore on it became clear that this explanation of his disagreement with the conservative members of the Court was too facile. In a wide variety of cases, Blackmun—sometimes in dissent, sometimes in qualified concurrence—has articulated positions divergent from those staked out by Burger and Rehnquist and closer to the ones espoused by Brennan and Mar-

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shall. In the two seminal cases of the mid-1970s, *National League of Cities v. Usery* and *Rizzo v. Goode*, in which Rehnquist laid the foundations for his doctrine of state sovereignty, Blackmun maintained his independence. In *Rizzo*, the Court limited the power of Federal courts to enjoin police misconduct; Blackmun dissented. In *Usery*, the Court invalidated a Federal statute prescribing minimum wages for state and municipal workers; Blackmun concurred and wrote a separate opinion to express his unease with Rehnquist's theory of the case.

This past term Blackmun's break with the right became sharper either because of the peculiar intergroup dynamics of the Court engendered by the new appointee or because the on-the-job training that invariably takes place on the Court had come to fruition. Sometimes he found it necessary to write separately from Brennan and Marshall, but it is clear that he has taken up a position more closely aligned with the liberal bloc. Blackmun was the only Justice other than Brennan and Marshall to vote with the majority in every surprising liberal victory in the closing days of the term.

The past term can thus be understood as a time when a small liberal bloc of two grew by one, even though a conservative was appointed to the Court. But this was not enough to produce any of the liberal victories. It was necessary for Brennan, Marshall and now Blackmun to obtain the support of at least two other Justices. For all practical purposes, they could turn only to the center: Byron White, Lewis Powell and John Paul Stevens.

Although in the past Stevens had remained independent of Burger and Rehnquist, White and Powell veered very close; they have been important participants in the majorities that have sought to eradicate the legacy of the Warren Court. There is, however, a difference between White and Powell on the one hand, and Burger and Rehnquist on the other, and that difference has been often enough expressed so one could locate White and Powell closer to the center of the Court.

There are probably two reasons the liberals were able to get votes from this middle group of Justices in a number of major cases. The first, which is based only on speculation and is nothing more than a quirk of history, concerns Rehnquist's health problems.

Throughout the past decade it was Rehnquist, not Burger, who provided the intellectual leadership for the Court. They shared the constitutional vision that informed much of the work of the Court, but it was Rehnquist who had the intellectual capacity to translate that vision into legal doctrine and a personal manner that was especially effective in persuading other Justices. As Potter Stewart, long a member of the middle group, once put it, "The Chief could say the most reasonable things and make them sound outrageous, while Rehnquist could say the most outrageous things and make them sound reasonable." During this past term, however, Rehnquist's back problem continued, and this probably slowed him down. He seemed less aggressive in his questioning of counsel from the bench, and presumably that carried over to his role within the inner councils of the Court.

The second reason for the surprising decisions and the capacity of the liberals to obtain votes from the center is more public: it concerns the compromises underlying the decisions. The results were congenial to the liberal bloc, but they rested on legal principles consistent with and shaped by the conservative edifice constructed over the past decade. From this perspective, the liberal victories of last term have an illusory quality.

Take, for example, the widely applauded decision that refused to make civil rights plaintiffs exhaust state administrative remedies before presenting their claims to Federal courts. In Marshall's opinion, which was denominated as that of the Court, he spoke in strong and general terms, arguing that the exhaustion requirement was inconsistent with "the basic alteration of our federal system accomplished during the Reconstruction era." He saw the Federal courts as the primary guardians of Federal constitutional rights and construed the relevant part of the statute, Section 1983, to provide civil rights plaintiffs with direct and immediate access to these tribunals.

So far, so good. On close inspection, however, it appears that a majority of the Court did not share that vision. Marshall obtained the full support only of Brennan, Blackmun and Stevens. Three other Justices specifically indicated that their concurrence with the outcome was not based on agreement with Marshall's views of federalism. For them, the case turned on the rule of *stare decisis*, which assigns especially heavy weight to an earlier interpretation of a law. As White put it in his separate concurrence:

"For nearly twenty years and on at least ten occasions, this Court has clearly held that no exhaustion of administrative remedies is required in a Section 1983 suit. . . . Whether or not this initially was a wise choice, these decisions are *stare decisis* and in a statutory case, a particularly strong showing is required that we have misread the relevant statute and its history."

Adherence to precedent in matters of statutory construction worked to the advantage of the liberals in this instance, but more generally it can be seen as a conservative doctrine that reveals excessive deference to Congressional inaction and that slows the process of re-evaluating prior decisions and legal rules that might be outmoded or simply mistaken.

One other legal principle at work, little noticed by those who applauded the Court's liberal rulings last term, also casts a different light on those decisions. In many instances a majority was achieved for the liberal outcome by invoking an essentially conservative principle that makes the allegedly bad motives of the defendants the touchstone for judicial intervention.

A striking example is the voting rights case in which the Court invalidated a system of at-large elections in a rural Georgia county on the grounds that it violated the Fourteenth Amendment. This result has been viewed as a surprise, in light of the Court's 1980 decision that upheld an at-large election scheme in Mobile, Alabama. However,

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the decision, announced in an opinion by White, actually reaffirmed the legal standard of the Mobile case and made the test of the law's validity hinge upon the *motive* of those responsible for the law rather than the *impact* of the election scheme on the participation of minorities in the electoral process.

The plaintiffs in the Georgia case were able to convince the Federal District Court that the election plan was maintained for the purpose of discriminating against blacks, a finding affirmed by the Court of Appeals. In the Supreme Court the plaintiffs were helped by the "two-court rule," which makes the Justices reluctant to set aside findings of facts accepted by both the trial and appellate courts. White's opinion consists mainly of a review of the facts relied on by the trial court, after which he blandly concludes that those are "sufficient to sustain its judgment . . . and on this record, we have no reason to disturb them." Even Burger and O'Connor were able to join this limited affirmance.

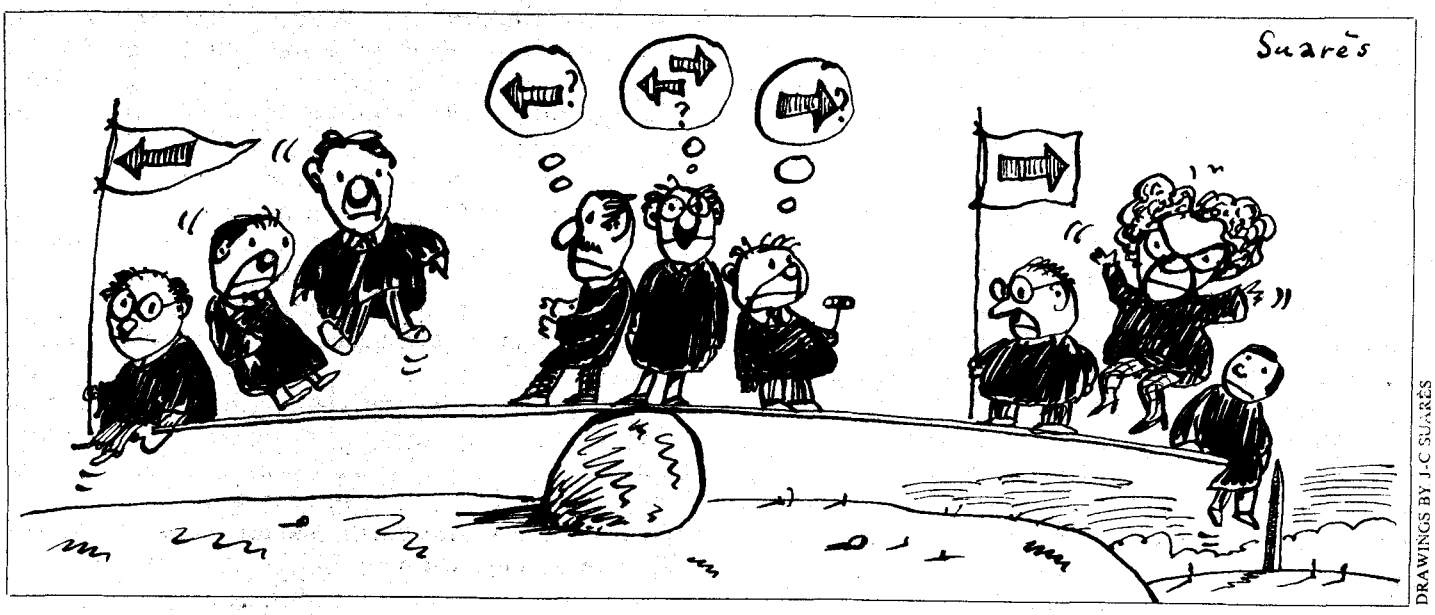
Any principle that makes motive decisive, as in the Georgia case, misdefines the nature of the grievance. The concern should be on the status of minorities in the political and social structure and on the impact of state law on that status, not on the motives of state officials. The emphasis on motive also places great evidentiary burdens on the plaintiffs. Motive is hard to prove. Such a rule vests great power in trial judges, who generally have strong political ties to their communities and thus are reluctant to impugn the motives of local officials. And it is hard to use the outcome in one case to justify a decision in another, because even if the impact of a statute is the same, the underlying motives of the framers may differ.

As a consequence, a principle emphasizing motive and requiring bad faith by the defendant as a condition of judicial intervention has posed a significant barrier for civil rights lawyers. Largely crafted by White and Powell in the mid-1970s, the principle has been used to curb the egalitarian crusade of the Warren Court: the Federal courts are allowed to intervene only in the most limited circumstances. In the Georgia case the plaintiffs (with the assistance of the two-court rule) were able to overcome the barrier, and many of the other liberal victories of the past term stemmed from the same fortuity.

In its decision invalidating the Washington State anti-busing referendum, for example, the emphasis was on the explicit racial purposes of the electorate in prohibiting busing for integration. The library censorship decision focused on the motive of the school board in removing books from the shelves. The decision conferring a right to training on the mentally retarded was limited so as to protect the good-faith decisions of professionals and caretakers; as Powell, the author of the majority opinion, wrote, a court would be allowed to intervene to enforce the right "only when the decision by the professional is such a substantial departure from accepted professional judgment, practice or standards as to demonstrate that the person responsible actually did not base the decision on such a judgment."

There are even traces of this concern with motive in the Mississippi case in which the Court set aside a $1.25 million judgment won by white businesses in state court against the N.A.A.C.P. for a boycott protesting segregation. The opinion of the Court, written by Stevens, stressed a number of factors that cast doubt on the integrity of the state court judges: the size of the damage award, the tenuous connection of the N.A.A.C.P. to the alleged acts and threats of violence, the failure of the trial court to connect the acts of violence to the alleged business losses and the refusal of the Mississippi Supreme Court to waive the requirement that the N.A.A.C.P. post a bond amounting to 125 percent of the judgment. All of that suggested the suit was an attempt to "get" the N.A.A.C.P.—revenge made legal. On the other hand, the Court saw in the N.A.A.C.P.'s peaceful efforts to bring an end to segregation "elements of majesty," to use Stevens's expression, and what seemed to propel its decision was not a new principle of constitutional law protecting group boycotts but a determination to protect the N.A.A.C.P.

In the alien rights case, in which the State of Texas was in



DRAWINGS BY J-C SUARÈS

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effect denied the power to bar the children of illegal aliens from its schools, a first reading suggests a mode of analysis that is evocative of the Warren Court and a concern with the impact of state practices on social structure. The opinion by Brennan for the court expressed a fear that if allowed to stand, the Texas policy would create and perpetuate "a subclass of illiterates." Because of this danger, Brennan placed a special burden on the state to justify its policy and concluded that the state violated the equal protection clause because it could not discharge that burden.

This opinion, as in many of the surprising decisions, was supported by a bare majority of five, and one of the Justices who formed the majority, Powell, indicated the limited nature of his agreement. Evoking the individualism and moralism that characterized so much of the Court's work over the past decade, and the emphasis on motive in particular, Powell noted that the children of illegal aliens were brought to this country by their parents and thus were the victims of their parents' wrongdoing. "A different case," he wrote, "would be presented in the unlikely event that a minor, old enough to be responsible for illegal entry and yet still of school age, entered this country on his own volition." In the Georgia election case, the emphasis on motive reflects a concern with the moral culpability of the defendants; here, and perhaps in the N.A.A.C.P. case, the concern shifts to the lack of moral culpability of those bearing the brunt of the state action and seeking the protection of the court and the Constitution.

In the summer of 1964, Alexander Meiklejohn was talking with his friend Harry Kalven about a decision just handed down by the Supreme Court, and he described it as an occasion for dancing in the streets (Meiklejohn was then in his 90s). The case, *New York Times v. Sullivan*, overturned a $500,000 damage judgment entered by an Alabama court against *The New York Times* for running an advertisement soliciting funds for Martin Luther King Jr. Meiklejohn's glee was based not on the outcome of that case, the mere fact that the Court set aside the libel judgment (since that seemed foreordained), but rather on the principles set forth in the Court's opinion. The central meaning of the First Amendment, the Court said, was to prohibit prosecutions for seditious libel, and it embodied "a profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open." With these words the Court wrote into law much of Meiklejohn's life work and laid the doctrinal foundations for the free speech jurisprudence of the Warren Court.

The liberal victories of the spring of 1982 are no occasion for dancing in the streets. They warrant only a sigh of relief. Outcomes are important; they make a difference to those who turned to the courts for justice. Compromised principles are useful; they facilitate the formation of odd coalitions and, even more, create possibilities for the future, when a new majority may build on the past and give fuller expression to these principles.

But it is important to recognize the limited nature of the victories. The doctrinal edifice created by the conservatives over the past decade has not crumbled. Nor have the liberals laid new foundations; they have instead sought out the cracks and used the very tools forged in the era of retrenchment—particularly the emphasis on motive—to create an escape route or two. The sad truth is that the decisive votes remain tied to principles that restrict the power of the judiciary to intervene on behalf of liberty and equality. □

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'WHEN WE FIND THEM, WE KILL THEM'

A 'Death List' for the Salvadoran Army

STEVEN SALISBURY

Sometime before January of this year the Salvadoran Army high command apparently issued a death list targeting 462 peasants in the El Mozote region in northeastern El Salvador. Despite the fact that the death list was read and copied by senior officials in the American Embassy in San Salvador on January 6, President Reagan certified to Congress three weeks later that the government of El Salvador was making a "concerted and significant effort" to respect human rights.

I was a freelance photographer camping out with government troops at a makeshift National Guard post in a small town a few kilometers north of El Mozote. On January 3, a corporal, asking for money, gave me a leaflet written in Spanish that was being passed out to the troops. He and his comrades made it abundantly clear what it was for: the identification and location—and thus the murder—of suspected government opponents.

The death list was made to look as if it were a warning to guerrilla collaborators that their names had been sold to the government by three guerrilla leaders.

"LOOK FOR YOURSELF ON THE LIST!" was printed at the top in large capital letters. A couple of short paragraphs followed:

"The present list was furnished by Mena Sandoval in collaboration with Cruz Cruz and Bruno Navarrete, when one

Steven Salisbury is a freelance photographer who was in El Salvador from December 1981 through April 1982.

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of them went to San Salvador and delivered them for several thousands of colons. [Sandoval, Cruz and Navarrete were army officers who led a mutiny in the Santa Ana garrison and became guerrilla leaders during the rebels' "Final Offensive" in January 1981.]

"We don't want to talk a lot and it's better that you look for yourself and verify the betrayal of these three characters who are surely going to deny it and lie through some politician that can protect them."

Then in smaller capital letters: "READ SLOWLY, LOOK FOR YOURSELF AND VERIFY THE BETRAYAL." The names of 462 peasants listed by cantons and settlements in the El Mozote area followed. "MENA SANDOVAL, CRUZ CRUZ AND BRUNO NAVARRETE HAVE BETRAYED YOU" was at the bottom of the list.

At first, I thought the leaflet was a government attempt to get suspected guerrilla supporters to come over to the government's camp: they would see their names on the army's list, realize that they had been sold out for "thousands of colons," become disillusioned by the deceit and opportunism behind "the cause" and therefore side with the government. However, it didn't add up.

First of all, how were people supposed to know if they were listed, inasmuch as I saw the leaflet being distributed only to soldiers? What reason was there to believe that the three guerrilla leaders ever had the names of these particular peasants? What reason to believe they had any connection with the El Mozote area at all: ever since their mutiny in Santa Ana, more than 100 miles away at the other end of the country, their whereabouts have been unknown. And even if they did have the names and wanted to sell them, wouldn't they have realized they would most likely be arrested and executed if they took them to San Salvador?

The soldiers I was with had only one interpretation of the leaflet. It was a death list: they would show no mercy to the guerrillas or their collaborators.

"These people are subversives. They collaborate with traitors," said one teen-age soldier seated at the entrance of the camp. His face twisted with disgust as he pointed first to the names of the peasants and then to the names of the guerrilla leaders. "When we find them, we kill them."

The captain, a slightly built, fair-skinned man with blue eyes and pointy features, saw me with the leaflet. "It's not for you," he snapped. "It's nothing." But shortly afterward, requesting anonymity, he conceded that the people listed were "subversives" and that the leaflet was put out by the *Estado Mayor*, the army's high command.

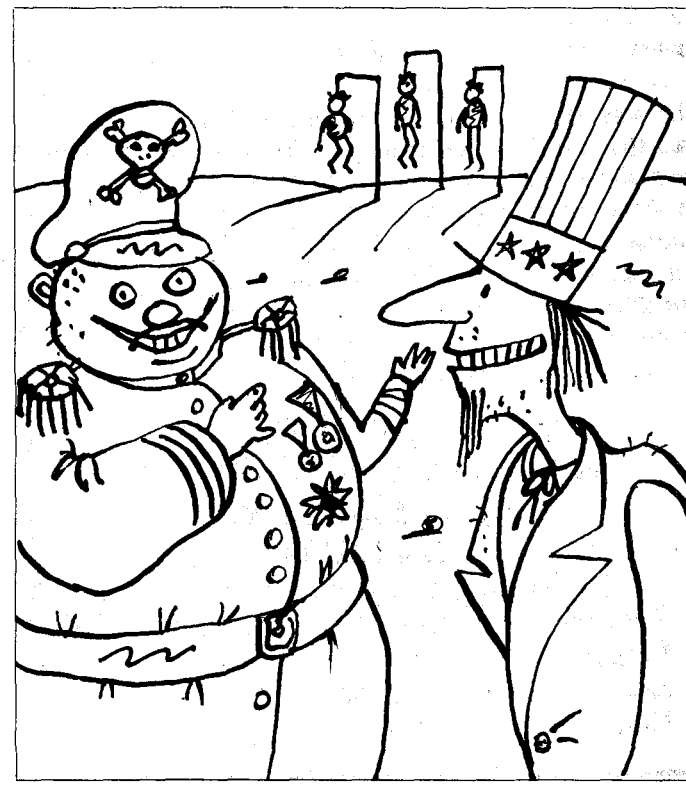
The army must have known that the soldiers would interpret the leaflet as a death list, given the history of military brutality toward guerrillas and their supporters. In fact, this may have been a list originally passed out to troops in this region in December and may have inspired the reported El Mozote massacre last year—especially since the troops I was with were part of the same antiguerrilla operation that had begun back then.

The New York Times and *The Washington Post* on January 27 published reports that Salvadoran soldiers had massacred as many as 926 civilians in El Mozote and surrounding hamlets during search-and-destroy missions against guerrillas between December 8 and December 21, 1981. *Times* correspondent Raymond Bonner reported eyewitness accounts of survivors who accused government troops of the killings. One of the survivors, Cesar Martinez of La Joya, a village near El Mozote, reported that his mother, his sister and his sister's two children were killed by soldiers. The leaflet I obtained listed a Cesar Martinez and other Martinezes under a grouping of hamlets that included La Joya. The list also contained the names of at least eight other people killed, according to the El Salvador Commission on Human Rights.

The El Mozote massacre, of course, may have been a more-or-less indiscriminate event in which hundreds of people not on any death list were gunned down. But the fact that soldiers on the same operation in the same part of the country had a list of "subversives" whom they vowed to kill suggests that there may have been something systematic about the army's killing of large numbers of civilians.

On January 6, I showed the leaflet to U.S. Embassy staff members in San Salvador and allowed them to copy it. One official, who asked not to be named, called it "bizarre and disturbing." Other officials agreed. According to Carol Doerflein, then assistant press attaché, Ambassador Deane Hinton read the leaflet. Yet the State Department has done nothing. On February 2, State Department spokesman Alan Romberg told reporters that "no evidence could be found to confirm that government forces systematically massacred civilians" in El Mozote.

These claims notwithstanding, before President Reagan again certifies El Salvador's commitment to human rights, he ought to demand that the State Department determine



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HOW TO STOP DRUNK DRIVING.

TOUGH LAWS MAY HELP, BUT WE ALSO NEED TO CHANGE OUR ATTITUDES.

Do you know anyone who's in favor of drunk driving? Not likely. And yet many people have driven when under the influence of alcohol, or will do it at least once.

Take a look at some chilling statistics. One out of every two of us will be involved in an alcohol-related accident sometime during our lives. Last year alone, more than 25,000 people died in such accidents; an additional 1.5 million were injured. A disproportionate number of those killed were under 25 years old.

The cost of drunk-driving accidents amounts to over $24 billion every year in property damage, loss of wages, medical and legal fees. Not to mention the emotional pain to the victims' families and friends.

What is being done about it? Over the years, many different approaches have been tried: mandatory jail sentences, stiff fines, license suspensions, alcohol-rehabilitation programs, and higher drinking-age laws.

No single countermeasure seems to do the job by itself. Tough laws, unless they are supported by equally tough enforcement and the certainty of punishment, don't seem to work over the long run. Even with all three, probably the most effective single thing we could do is to examine our own attitudes about drinking and driving.

How much do you really know about the effects of alcohol? The facts may surprise you. For example, a lot of people believe that beer and wine are less intoxicating than other drinks. In fact, a can of beer, a glass of wine, or a 1½-ounce drink of 86-proof liquor are all about equally intoxicating.

A lot of factors determine how quickly you'll get drunk. Your body weight, how much you've had to eat, and the number of drinks you have over a specified time all make a difference. That's why it's so hard to know when you've had too much.

A common legal definition of intoxication is .10 percent blood-alcohol level. For a 160 lb. person, it takes about four or five drinks in the first two hours on an empty stomach to reach the legal limit, compared with three or four drinks in the first two hours for someone who weighs 120 lbs. Of course, your judgment and reaction time will be impaired well before you reach the legal limit.

At General Motors, we're very concerned about the effects of drinking on driving. Over a decade ago, we developed a device that tests a driver's reflexes and motor responses before starting the car. The Department of Transportation is now field-testing that device.

We also strongly favor all efforts that focus attention on the problem such as the Presidential Commission on Drunk Driving. Make sure your friends and family know the facts about mixing alcohol and driving. Drunk driving will only stop when we all decide it isn't socially acceptable. Be self-confident enough to admit when you've had too much to drink to drive safely.

Meanwhile, seat belts are still your best protection against drunk drivers. They can't prevent an accident, but they will help save your life during a serious crash—whatever the cause.

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just how many names on the death list correspond to those 926 civilians reportedly murdered in the December massacre, and whether any of them have been killed in the year since. □

BATTLES WITHIN, BATTLES WITHOUT

The Many Fronts Of Khomeini's War

FRED HALLIDAY

Paris

The arrival in Paris of Sheik Ezzedin Hosseini, the leading clergyman in Iranian Kurdistan, is a reminder that the regime of Ayatollah Khomeini is at war on several fronts, within and without.

According to the sheik, who is here on a visit, the Iranian government's latest offensive against the Kurds is by far the most serious to date and involves four divisions of the regular army, backed by irregulars of the Islamic Guards. It began in September and has continued throughout the intensifying war against Iraq. In part, it is designed to open the road from Sardasht to Piranshahr, over which Iran will be able to send supplies to the Iraqi frontier. But it is also designed to encircle Kurdish strongholds and cut off the *peshmargas*—the Kurdish guerrillas—from contact with the outside world.

Sheik Ezzedin says the Iranian government has followed up its military campaign with a religious one. About two thirds of the Kurds are Sunni Moslems, and Khomeini's forces are trying to impose his Shiite brand, predominant in Iran, upon the captured towns and villages. Shiite teachers have been appointed to schools in Kurdistan, and in Urumiyeh, a town on the border of Kurdistan and Azerbaijan, the regime has set up a school to train Shiite clergymen for the whole Kurdish region.

Sheik Izzadin's views on Islam are strikingly at variance with those of Khomeini. He wants a state in which Islamic values are respected but he is against the clergy playing a leading role in politics and against making any brand of Islam dominant. He insists on the need for democratic elections and autonomy for the Kurds and other ethnic minorities, who make up about half the population of the country.

This dissident voice has been reinforced by an angry statement within Iran from Mehdi Bazargan, one of Khomeini's former prime ministers and still a member of Parliament and the leader of the Nezhat Azadi (Liberation Movement). Although without an organized political following, Bazargan has retained some sympathy among many intellectuals and merchants who at first supported the revolution and now oppose the direction it has taken.

Bazargan, in an open letter to the speaker of the Parliament, asked this biting question: "What has the ruling elite done in nearly four years besides bring death and destruction, and pack the prisons and cemeteries in every city, besides create long lines and shortages and high prices and unemployment and poverty and homeless people and repetitious slogans and a dark future?" He criticized Iran's leaders for placing the country at odds with the rest of the world and attacked the lack of free expression with the Persian proverb, "Those with clean accounts need fear no auditor."

Bazargan appears to enjoy some special protection against arrest and execution. But there have been numerous signs of dissent from others not so well placed. There has also been a spate of defections by state employees—diplomats, athletes, airline pilots—able to leave the country.

More seriously, in the main cities of Iran the Mujahedeen guerrillas are still active. Their leader, Massoud Rajavi, has been in exile in France since July 1981 and recently married the daughter of former President Abolhassan Bani-Sadr. He retains the optimism he had on first leaving Iran, insisting that the Khomeini regime will soon fall.

Rajavi says his guerrillas are carrying out between twenty-five and thirty operations a day. He claims they have assassinated about 2,000 leading government officials in the past year and have killed or seriously wounded six of the seven religious deputies appointed by Khomeini to regional governments. Rajavi says there are up to 10,000 Mujahedeen members willing to be killed in attacks on officials of the Khomeini government. And if the guerrillas can carry

Fred Halliday is a fellow of the Transnational Institute, Amsterdam, and an editorial associate of New Left Review *and* MERIP Reports. *He is the author of* Arabia Without Sultans: A Political Survey of Instability in the Arab World *(Vintage) and* Iran: Dictatorship and Development *(Penguin). He is a regular contributor to* The Nation.

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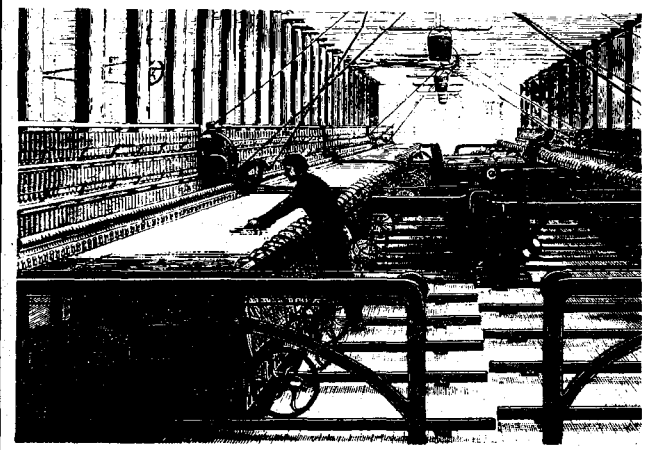

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through the current phase of their operations—labeled "breaking the atmosphere of terror" of the regime—Rajavi believes it will be possible for them to move to more open political protests involving larger numbers of people.

There are those in the Iranian exile community who dissent from this view. Leaders of some Marxist groups that have suffered serious reversals in Iran in recent months feel that the social program of Rajavi's National Council of Resistance is too vague. Former Premier Ali Amini believes that Iranians are tired of political extremism and want the country to be run by competent politicians and administrators who can repair the damage caused by Khomeini.

All the opposition groups are up against the hard fact that in some respects the Iranian regime is consolidating its power. It is exporting more than 1.5 million barrels of oil a day, undercutting OPEC, and the Iraqis have been either unwilling or unable to knock out its oil-loading terminal at Kharg Island. Iran has even been able to build up its foreign exchange reserves and is now relaxing controls on imports. There are still shortages in the cities, but they are not worsening and agricultural output has risen since the revolution.

Although it does not have good relations with any state—and has even allowed its ties to Syria to diminish—Teheran has nonetheless established some pragmatic partnerships that leave it much less isolated than it was a year ago. Economic ties to Turkey and Pakistan are flourishing, and Pakistan is believed to be quietly repairing some of Iran's U.S.-made jets damaged in the war with Iraq. Despite continuing criticism from both capitals, contacts between Moscow and Teheran are maintained. Britain has just restored export-credit guarantees for sales to Iran, and France has resumed Air France flights and has tried to send an ambassador.

In this situation—continuing conflict with Iraq, persistent guerrilla opposition from Kurds and Mujahedeen, economic crisis in the cities—the Khomeini regime cannot hope for either peace or prosperity in the near future. But it can survive if it can hold together. It is precisely to try to cement that unity that the government in December elected a "Council of Experts" to choose a successor to Khomeini, trying to facilitate a smooth transition when the time comes. The opposition forces in exile and the guerrilla forces within are waiting in the wings. □

Settlements

(*Continued From Front Cover*)

damage caused is irreversible." It is a surprisingly sharp image. "That's the way you see it?" I ask.

"Oh no," he says, suddenly aware of the implication of his own analogy. "Of course here it's quite the reverse: here we're making a sick body into a healthy one."

Lesley Hazleton, a British-Israeli journalist, has just visited Israel. She is the author of Where Mountains Roar: A Personal Report From the Sinai and Negev Desert *(Penguin).*

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Smugly, he points to the 103 Israeli settlements in the West Bank, 79 of them set up since Menachem Begin's Likud government came to power in 1977. "We had a five-year plan to reach by 1985, calling for sixty new settlements. Yet now, at the end of 1982, we already have far more than that." About 25,000 Israeli Jews live in those settlements. "The five-year plan calls for 100,000 by 1985. Go there and see. At the rate we're going, we'll have 100,000 by the end of 1984. And then we'll get on to the thirty-year plan."

The thirty-year plan calls for 1.4 million Jews in the West Bank by the year 2010, as against 1.6 million Palestinians. But, as Ben-Yosef explains with some satisfaction, there may in fact be fewer Palestinians by then because the emigration rate from the West Bank is almost as high as the birth rate, so that "in real terms" the Palestinian population increase is only 0.5 percent a year.

As he describes the thirty-year plan, Ben-Yosef gets up every now and again and walks over to a curtain along one wall of the office. Drawing it aside, he reveals a map of the plan, points out some detail, then closes the curtain and sits down again. Finally, he takes out the full report on the plan and shows me a couple of maps in that, including one of a "Greater Jerusalem" stretching more than ten miles north, east and south of its present borders—well into the West Bank.

Since he's showing me so much of it, I ask him for a copy of the report. At that, he sweeps it up from the table and clutches it to his chest. "Oh no," he says, "we're not distributing this. There's a lot of facts and estimates and plans in here that we don't want to fall into the hands of those politically interested in holding it all up. We can't give them the chance to see what we're emphasizing. But I can tell you right now that we're concentrating on really improving the infrastructure—roads, water, electricity, communications, everything—so that we can really consolidate what we've got there."

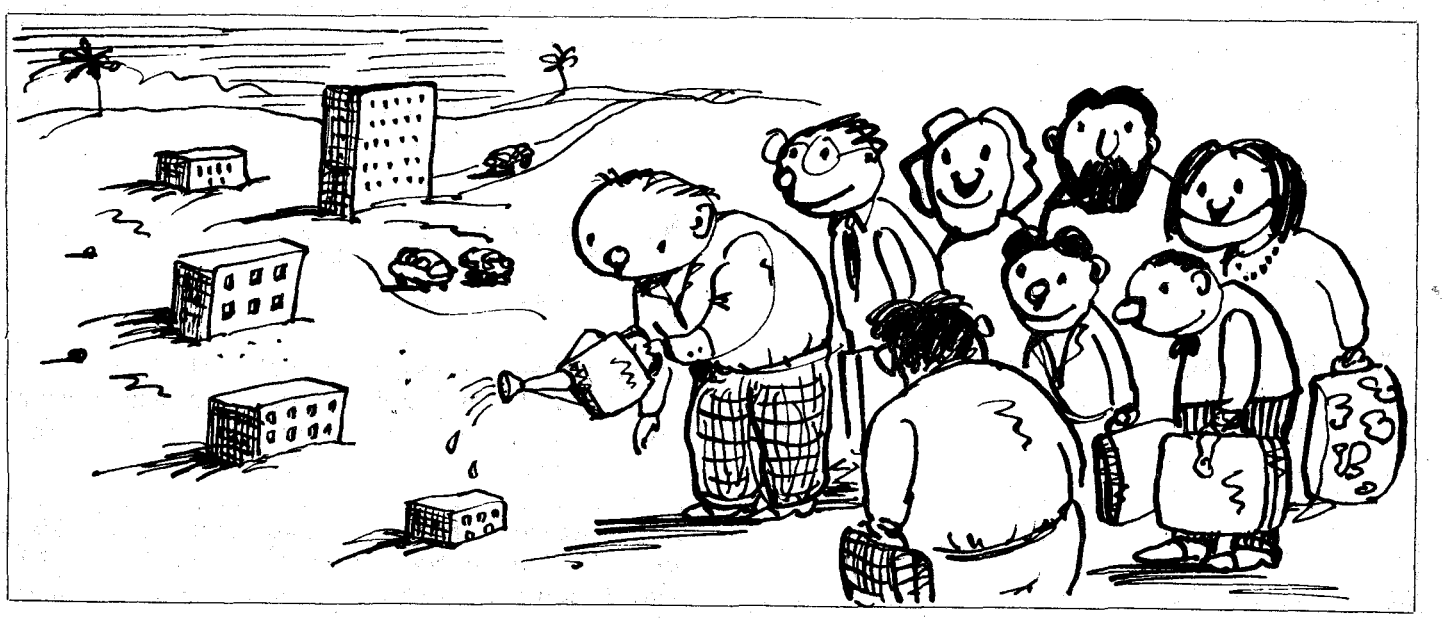
The plan seems fairly realistic. In 1978, when Ariel Sharon, now Defense Minister but then Minister of Agriculture, declared that there would be 100,000 Israeli Jews in the West Bank by 1985, I and many others greeted the news derisively. *Where would these people come from?* we asked. *You won't find 100,000 people as ideologically motivated and fanatically determined as Gush Emunim*—the Bloc of the Faithful, messianic ultranationalist expansionists who had spearheaded the settlement drive. But today Gush Emunim are no longer necessary. Today, Israeli settlers are motivated by economics, not by ideology. And they are no longer settling in foreign territory. Where they go, Israeli law goes: administratively, Israeli settlements in the West Bank are already treated as though they were part of Israel. And since the five-year plan is certain to succeed—there will undoubtedly be at least 100,000 Israeli Jews in the West Bank by 1985—the thirty-year plan must also be seen as achievable.

Where will the 1.4 million Israeli Jews come from? "That's a conservative estimate," says Ben-Yosef. "Work it out for yourself. That 1.4 million is less than half of the projected population growth on Israel's crowded coastal plain. In Judea and Samaria, those people will find less expensive housing with better financial and environmental conditions, towns with clean air and better services, better education for their children, a whole new quality of life compared to the crowded inner cities. It's a Garden of Eden!"

Eden is a matter of opinion, but if Israel's present growth rate continues, he is right: 1.4 million may not be a conservative estimate, but it's certainly a possible one.

"Go and you'll see," says Ben-Yosef. "Where five years ago you saw small Jewish enclaves in Arab land, now you'll see small Arab enclaves in Jewish land. That's the big difference." Indeed, about 60 percent of the land in the West Bank is now available for Jewish settlement, due to the Begin government's adoption of the Ottoman "Sultan's Law," which rules that any unsettled and unfarmed land belongs to the Sultan. Israel has become the new Sultan.

"There can be no withdrawal, not now and not ever, from Judea and Samaria," Ben-Yosef rhapsodizes, "because everywhere is now full of Jewish settlement. What you



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see here is not Yamit. [He is referring to the town in the northern Sinai evacuated last April as part of the peace treaty with Egypt.] Yamit was just 300 families all together. Here one settlement might be 300 families, and in the towns far more than that. No matter what anyone says, wishes or thinks, the situation is irreversible."

But couldn't immense outside pressure force Israel to withdraw, no matter how many Israelis there are in the West Bank? Ben-Yosef shakes his head and replies with an old Arabic saying: "The dogs may bark, but the caravan passes by."

Samaria—the northern part of the kidney-shaped West Bank—is a beautiful, sparse land, a place of stone hills with so little earth on them that even after thousands of years of terracing there is enough soil only for olive trees. At times it feels like Greece—until you round yet another corner and see yet another new settlement sitting squat and fortresslike on top of a hill.

The largest of these fortresses—and one of the few to have no barbed wire around it, so confident is it in its size and indestructibility—is Ariel, planned as the capital city of Jewish Samaria. In early 1978, the last time I was here, Ariel was still called Haris (after the Arab village in the valley below) and consisted of three temporary huts staked out on the ground. Today it's a sprawling town, with apartment houses and villas spilling down the slopes of the hill, and it's ready to expand over the next two hills. The villas are part of a "build-your-own-house" program in effect in every Israeli settlement in the West Bank, and the area is a jumble of homeowners' dreams. Ultramodern sits within spitting distance of Swiss chalet, ranch house within a whisper of Disneyland castle. A sociologist of bourgeois fantasies could have a field day with this architecture.

Yaacov Feitelson, head of the town council, shows me around. Right now there are 350 families in Ariel (some 1,200 people), but a huge number of apartments and "cottages" (row houses) are almost ready for occupancy. "We have 1,650 families due to move in within the next two years," Feitelson says, "and by 2010 we'll be a city of 35,000 to 40,000 families. That's 60 percent the size of Tel Aviv." What will bring them out here? Prices are 40 percent lower than in Tel Aviv, and the purchase conditions are excellent. (Not only Begin supporters find this attractive: in the last elections, 18 percent of Ariel voted Labor.)

Feitelson knows the names of the Arab villages we can see from the hilltop city, unlike other members of Ariel's town council. But the most striking feature of the landscape is a lone apartment house on top of the highest hill in Samaria, some ten miles north. "That's Moshe Zar's," says Feitelson admiringly. "Just bought the land and built himself his own private fortress up there. That was my dream once too—my own private fortress on top of a hill. . . . Well, so I have Ariel instead."

Feitelson came to Israel from Russia in 1972, after a few months in jail for his association with a group that attempted to skyjack an airliner out of Leningrad in 1971. (He opposed the attempt but was jailed anyway.) In Israel, he wanted to "build the country" in the old Zionist sense—to start something new. But it had to be something big: "I don't believe in small things—they don't work." After standing for the Knesset in 1977 as a member of Ariel Sharon's Shlomzion Party (he wasn't elected), he joined the settlement group that would establish Ariel. He still sees himself as something of a socialist, but takes pride in his sense of *Realpolitik*.

After an hour of talk, Feitelson's flood of clichés begins to degenerate into ill-tempered argumentation.

"Listen," he says, "I sympathize with the Arabs here. I come from a conquered country, from Latvia, so I know what it's like. Now there's two ways the conqueror can deal with things. One is to shoot and kill and imprison, like the British did in their empire. And the second is to do as the Russians are now doing—give them their own culture, their own language, a decent standard of living, local autonomy, and keep full control over all the important things." Such admiration for the Russian way of doing things is odd from a man who had been imprisoned by the Russians. How does it feel now that he's in the place of the Russian?

He rubs his hands together in slightly embarrassed delight: "Wonderful," he says.

Like most of the Samaria settlements, Ariel is basically a dormitory town. Though it has some high-tech industry, most of its wage earners commute to Tel Aviv and the coastal plain each day. It's a forty-minute drive, through Arab towns and villages, across the vanished Green Line. Soon, the drive will be far shorter. At Nofim, a hilltop about five miles from Ariel to be developed as an exclusive villa community by private contractors, a large sign proclaims the delights of a dream house in a dream community in a dream environment. It touts the country club to be built there, and triumphantly closes with the sentence: "Soon a road will be built shortening the distance to Tel Aviv to only 20–30 minutes, without passing through any Arab village." This is a major selling point in all the advertisements the contractors are now placing for villas in Samaria: with the new road, due to be built next year, Jews can live in Samaria without seeing Arabs at all.

In Maale Adumim, a ten-minute drive east from Jerusalem into the West Bank, development is going at an even faster pace. Two hills are now covered with apartments and "cottages" nearly ready for occupancy, and the villa section is the familiar jumble of fantasy styles. Though there are plans for a large high-tech industrial center at Maale Adumim, it is still a dormitory town. Jerusalem Mayor Teddy Kollek points out angrily that Jerusalem does not have the infrastructure to support such a large commuter population. From the point of view of urban planning, he claims, Maale Adumim makes no sense. But many young Jerusalemites are moving there.

Rachel and her family have just moved there and are very proud that their apartment is up the road from a newly discovered Byzantine church. (The archeologists had worked feverishly all year side by side with the construction workers and come up with the superb irony of a beautifully preserved early Christian church in the middle of a late twen-

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tieth-century Israeli settlement.) They like the idea of living next to a tourist attraction; they are hoping a big park will be built around it. But that wasn't what brought them to Maale Adumim: "Where else are we going to find an apartment we could afford?" Rachel asks, shrugging. "And decent education for the children? Here we can raise our standard of living."

It is a long way from those far-off days, only five years ago, when Gush Emunim followers camped out in trailers and army camps, sloshing through mud in winter and bumping over stony tracks in summer, to establish claim to the land. Israeli Jews aren't pioneering in the West Bank any longer, not even in their fantasies. They are improving their standard of living.

Some eight miles down the road from Maale Adumim is a sign welcoming those driving to Jerusalem: "Welcome to Maale Adumim," it says. *But Maale Adumim is eight miles away,* I say to myself—and only then remember that this is the future border of the town as it sprawls farther and farther over the Judean hills.

Meron Benvenisti's study in Jerusalem has the largest and most detailed map of the West Bank that I have yet seen. In fact, Benvenisti may know more about Israel's settlement effort there than any of the officials implementing it. A former deputy mayor of Jerusalem who just missed getting into the Knesset in the last elections as a candidate of the liberal Citizens' Rights Movement, Benvenisti is now running the West Bank Data Base Project, keeping tabs on what is happening in the West Bank and how. Settlement officials such as Zeev Ben-Yosef praise his work highly: "Ignore his politics," they say, "because his data are absolutely correct. We couldn't have done it better ourselves."

In a report he completed earlier this year, Benvenisti stated that the degree of integration of Israeli settlements into the West Bank, physically, legally and economically, was "rapidly approaching the point of no return"—the "irreversibility" touted by Ben-Yosef. Now he sees a clear date for this point of no return—four years hence. Even as early as 1985, says Benvenisti, "even if there is some clear indication of willingness to negotiate from the Arab side, it might be too late."

It's a numbers game, and the stake is not homes on the ground in the West Bank but votes in the Knesset. It does not matter how many settlements there are but how many voters. Sixty thousand voters in the West Bank would control four or five seats in the Knesset. Add the votes of their relatives and friends in Israel proper who support their move, and you can double that number of seats. "No political party would be ready to alienate such a large group of voters," says Benvenisti. "And by 1985, that large group will exist."

In fact, the Labor opposition is already fighting a rearguard action to hang on to some of those voters. Instead of vigorously opposing the settlement effort, the Labor Party is trying to prove itself as settlement-conscious as the Likud. When the World Zionist Organization brought out its latest maps of the West Bank, the ones with no indication at all of

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the Green Line, it used a dual system of marking: red dots for settlements set up prior to 1977 (under Labor) and blue dots for settlements set up since then (under Likud). The number of blue dots is very impressive. Labor's reaction: to criticize the mapmakers for indicating some settlements with blue dots instead of red dots (those settlements that were in fact set up under Labor but not formally inaugurated until Begin came to power).

If Benvenisti is right—if the situation is almost irreversible and will be irreversible within four years—what can change it within those four years? American pressure on Israel? He shakes his head:

"If the American Administration wants to exert pressure on Israel, the only way to do that now is to pressure the Israeli economy as a whole. They can't focus only on settlements, saying they'll withhold money going to settlements, because the whole system is now economically integrated into the Israeli economy as a whole. It's now controlled by supply and demand. The supply is there, and if you want to stop demand, you'd have to stop all aid to Israel. You just can't single out aid to settlements anymore. But stopping all aid to Israel would be too expensive politically, from every point of view. And if you can't stop aid to Israel altogether, you can only sit and watch the money going to the West Bank.

"Moshe Arens [Israeli Ambassador to Washington and a renowned hawk] can come up with a proposal to freeze further settlements knowing that it makes no difference any longer. The Israeli government is not interested in putting more dots on the map. The small settlements are meaningless; they're just political statements. They're not viable. But the urban and suburban areas are viable, and they will develop. And that is where the huge numbers of people will be.

"The Americans are in an impossible situation, and we, Israeli doves, have no answer for them. Begin knows what he wants. The Labor opposition doesn't know what it wants, and that's the problem. The compromise plan of returning part of the West Bank—40 percent of it—is hardly something the Arabs will seriously consider. We doves have no foreign policy until the Arabs say they are willing to negotiate. Now only Menachem Begin is right, because he needs only an adversary; he doesn't need a counterpart. We need a counterpart, someone to negotiate with."

I've asked the question many times in the past few weeks, but I ask it again: "If Arafat were to declare that he recognizes Israel's right to exist and accepts negotiations under the terms of U.N. Resolutions 242 and 338, could that change the situation?" To my surprise, Benvenisti nods enthusiastically. He is one of the few Israelis to give a positive reply to this question.

"Yes," he says, "*if* Arafat uses those three words: Israel, 242 and 338. Yes, then I think that as with Sadat in 1977, half the population would conceive that peace is possible and would begin to think about what they were willing to pay for peace. At the moment, you see, Begin and Arafat are just mirror images of each other. If Arafat were to change, then a clearer choice would appear, and the Israeli public might reconsider. But it has to happen very quickly now. By 1985 it might simply be too late."

And then? What would Israel be? The fascist and apartheid nightmare that some liberal Israelis fear? "No, not apartheid, because apartheid is a philosophy, it takes the blacks seriously. There is no grand design here, as in apartheid, no higher scheme of things. Here, the Arabs are just ignored. We will have a dual society, separate and unequal, based on a majority dictatorship and a disenfranchised minority as regards power. Arabs will have rights as individuals but no rights as a community. This will create a different state of Israel, which will exist just because it's powerful militarily. The majority of the Jewish population will identify with that, and the minority will withdraw into liberal enclaves. Some of the liberals will even emigrate, but the state will live on. It will even remain a democratic state.

"There's a model in political science called 'Herrenvolk democracy,' like the democracy of Athens, for example: a democracy for the elite, and no democracy for the rest. Herrenvolk democracy is not fascism. It is democratic institutions, including full freedom of the press, limited to one segment of the population, because the others just don't count."

And enough Israelis will tolerate this? What of the 400,000, 10 percent of the population, who demonstrated in Tel Aviv after the Shatila massacre?

"People will find other justifications and excuses to feel that they are liberal and socialist. They won't necessarily see the situation as a contradiction in values. For example, among the families who have bought plots at Sha'are Tiqua [a private development just four miles over the Green Line in Samaria] there are people registered as Peace Now supporters. They simply separate their personal situation and their political beliefs. They say to themselves, 'If the government tells me to leave, I'll leave, but that has nothing to do with my need to improve my standard of living.' It's not a matter of ideology anymore."

I make one last attempt at optimism: If the deadline is so soon—only three or four years to go before the chances of Israeli withdrawal from the West Bank are practically nil—then surely this awareness might speed up Arab willingness to negotiate? Benvenisti is hopeful but not optimistic; hope exists irrespective of a cold assessment of probabilities. "The Arabs are working in a different time frame," he points out. "They believe that Israel will be destroyed by its own inner contradictions. Thirty-five years is nothing to them, in this context. They're thinking in terms of 100 or 200 years. Basically, it's been a Hundred Years' War already, ever since the first Zionist settlement in Rishon le-Zion. So perhaps now it will become a Two Hundred Years' War. . . . I don't know."

That is indeed the problem. You will never hear "I don't know" from government officials, from Israeli Jews living in the West Bank or from Menachem Begin's supporters. They know. They are assured. They draw the maps of 2010 with the same confidence that they draw the maps of 1985. Only the opposition is in disarray. □

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BOOKS & THE ARTS.

A Self-Made Woman

BRINA CAPLAN

KATHERINE ANNE PORTER: A Life. *By Joan Givner. Simon and Schuster. 572 pp. $19.95.*

It's all here, all ninety years of it: the four husbands and countless vaunted lovers; the mean poverty of a childhood in rural Texas; the escape at age 29 to a bohemian life in Greenwich Village, and the subsequent wanderings in revolutionary Mexico and pre-World War II Europe; the quarrel with Hart Crane and the dinner date with Hermann Goering; her discovery, first by editors at little magazines, then by universities of the sort that take options on a writer-in-residence for a term or two; and finally, after publication of *Ship of Fools*, when she was in her 70s, her apotheosis as America's "first lady of letters"—a title, by the way, that she dismissed as vulgar.

But then, Katherine Anne Porter dismissed much in the name of taste: Faulkner's "perverted morality" in *The Sound and the Fury*, for instance, and the possibility of living in California, "a place where everything unlovely, crude, corrupt, mindless in our national life is . . . practised as a 'way of life.'" The finality of her opinions finished more than one friendship. "In the end," Porter remarked of her severed intimacy with novelist Josephine Herbst, "one has the feeling of being with a serving girl who has managed by some freak of will and imagination to lift herself to a plane above herself, but is not always able to stay there."

Ironically, Porter condemned Herbst for failing at a game she herself played more elaborately and with more success. According to Joan Givner, Porter was a self-made woman with an invented past that fooled acquaintances and literary critics alike. While they saw inherited plantation traditions in the story sequence "The Old Order," Porter actually had inherited experiences closer to the lives of her characters in "He" and "Noon Wine," Southwestern farming folk worn out by bad times, disabilities and distress.

Brina Caplan frequently reviews fiction for The Nation.

Born Callie Russell Porter, she insisted that her name was Katherine Anne Maria Callista Russell Porter, "hence Callie." Similarly, she passed off as family heirlooms things bought in antique shops. Her marriage at 16 to a young Texas railroad clerk became a Gothic tale in which she eloped from a New Orleans convent with a much older man who kept her cloistered in his mansion. Because she lied so much about her past, Porter presents special problems as a biographical subject, even though, in this case, the enterprise began with her blessing. Givner has done the hard work, interviewing the living, pursuing the dead through county record offices, reading each and every marginal notation in Porter's personal library—even recovering the term papers of Porter's former students and gleaning her comments. Givner has come up with all the facts—or at any rate with what feels like all of them. A larger question remains unanswered, though: What do they add up to? Information swells this biography without shaping it.

Givner suggests at the outset a perspective that should have allowed her to do more with less. By locating the sources of Porter's stories, she says,

> it is possible to trace her method of shaping them into fiction and thus gain a fresh insight into a writer's creative method. In a broader sense, the uncovering of the sources of one work after another makes it possible to reconstruct her creative life and provide a unique and detailed portrait of an artist.

Although Givner repeatedly connects events in Porter's fiction with actual occurrences, some of these links are more important than others. In "The Grave," for example, the young heroine's brother shoots a rabbit only to discover while cleaning his kill that it was a pregnant female, laden with "a bundle of tiny rabbits, each . . . like a baby's head just washed, their unbelievably small delicate ears folded close, their little blind faces almost featureless." Troubled that he has led his sister into knowledge she ought not to have, the boy swears her to silence, which in the story she preserves. In fact, Givner points out, "Porter did . . . tell her father what she had seen and the brother received a savage beating":

> her deliberate or accidental betrayal of her brother and his suffering as a consequence must have added considerably to her sense of horror at the entire incident. That it did so is confirmed by the fact that, after the story was published, her brother reminded her of what really happened and she was furious and unbelieving.

Both her powerful forgetting and the charged nature of this fictional scene substantiate what Givner describes as Porter's lifelong doubts about her sexuality. Less substantive, however, is the connection Givner makes between Porter's purchase of a cultured-pearl necklace and her characterization of the bejeweled Condesa in *Ship of Fools*. "To fully create the woman who wore the pearls and their effect on her fellow passengers," Givner asserts, "Porter needed to wear them in reality"; yet according to Givner's chronology, the scene in which the pearls figure had been written some three years before Porter went shopping. At times, Givner seems so fascinated by the mirroring of details that she forgets she must select from them only those that will contribute to "a unique and detailed portrait of an artist."

Givner's critical perspective also encourages repetition. She points out, story by story, the theme she sees as central to Porter's work: that when innocence remains passive it colludes with evil. This theme, says Givner, obsessed Porter to the exclusion of other fictional possibilities; her characters fail to grow because their purpose is to demonstrate a single truth. Short works like "Noon Wine" can accommodate such limitation, but a novel cannot—an efficient explanation of why critics and readers prefer Porter's short stories to *Ship of Fools*. Although this identification of theme may be perspicacious, the point is made after two or three demonstrations. And neither the connections Givner makes between Porter's fiction and her life nor Givner's repeated discovery of innocence passively colluding with evil explains Porter's power as a stylist. The hallmark of a Porter story is its cool, accurate prose. Isn't her choice of words more important than her choice of jewelry?

The truth is that Porter did not practice her craft easily or often. Even in

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her prime she went for years without writing fiction; *Ship of Fools* took twenty-two years to complete. What is most impressive about Porter's life—what Givner's exhaustive accumulation of facts emphasizes—is that she won her few productive hours from suffering and chaos. Porter was born into a family still grieving over the death of a son—a family that disintegrated about her as she grew, her mother dying when Porter was 2, her next caretaker, a severe but loving grandmother, when Porter was 11. Her erratic, self-absorbed father could neither earn a living nor regard his children with consistent affection. "Her father's neglect," Givner says,

> left her with an insatiable hunger for masculine admiration. . . . Her habit was to fall in love deliriously and at first sight with a handsome appearance to which she wedded a character of her own imagining. Inevitably the object of her love failed to match her high ideals and her rapture turned swiftly to revulsion. . . . Regardless of her own advancing years, she formed relationships with men around thirty—Harrison Porter's age during her growing years.

A child of disorder, Porter continued to endure affliction as an adult. In addition to the repeated humiliations exacted by younger lovers, Givner records in detail Porter's loss of an adored niece, a near-fatal bout of influenza, a rape, recurrent attacks of TB, a case of gonorrhea passed on by her second husband, her consequent hysterectomy and, finally, the strokes, broken bones and enfeeblement of old age. This catalogue of disasters is matched by a list of self-created crises that were no less painful and no less devastating to her capacity for work. Until she finished *Ship of Fools*, for example, Porter was in continual financial difficulty, going on compulsive spending sprees that brought her back to poverty. Likewise, she lived all but her last years without a permanent home, removing herself in distaste from apartments, cities or countries that but a short time earlier she had found charming. Her friends were liable to the same abrupt dismissal: time after time, she would suddenly discover that people who had shared her life for many years had irremediable flaws in manners or morals.

Although Givner lists every agonizing event in a chronically troubled life, something essential is missing: the texture of Katherine Anne Porter's consciousness. What did it feel like to be Katherine Anne Porter, so orderly in her prose and so chaotic in her experience? What made Porter who she was? Surely it was more than the sheer quantity of her misfortunes.

I wish Givner had talked about how readily Porter's world accepted her self-disguise, her myth of lost Southern aristocracy. It passed the scrutiny of some rather sharp-eyed critics. Edmund Wilson, for example, found her reminiscences "mesmerizing," and she remained lifelong friends with Allen Tate and Caroline Gordon. Yet Porter was less Southern Agrarian than modern adventurer, donning and shedding life histories and lovers and residences like costumes. Perhaps in essential ways her restless life reflected the hopes as well as the limitations of the world in which she lived.

In any case, less compounding of detail and more comprehensive understanding is called for. "I believe," Givner quotes Porter, "we exist on half a dozen planes in at least six dimensions . . . at once . . . and I believe that a first rate work of art somehow succeeds in pulling all these things together and reconciling them. When we deliberately ignore too much we make a fatal mistake." Porter offered good advice not only to novelists but also to biographers—and she might well have added that, unless a writer "succeeds in pulling all these things together," an indiscriminate inclusion of everything is also likely to be fatal. □

Lying Low in Budapest

ELISABETH JAKAB

THE LOSER. *By George Konrád. Translated from the Hungarian by Ivan Sanders. Harcourt Brace Jovanovich. 315 pp. $14.95. Paper $7.95.*

George Konrád, the Hungarian writer whose first novel, *The Case Worker*, earned him an international reputation, here confirms his gifts. *The Loser* is a magnificent, dazzling book: haunting and beautifully written; sardonic yet profoundly moving; despairing yet full of hope.

Recently discharged from an insane asylum, T., the narrator, reflects on his life as a citizen of one of those small countries that "didn't make its own history, but tried simply to get through history." His tale is cast on the loom of memory, and the texture of this extraordinary novel is like that of an intricately worked tapestry, rich and dense. The narrative tracks back and forth in time, often conveying a character's past, present and future in a few pages, or even in one paragraph. We move from an elegiac sojourn in the serene world of T.'s parents and grandparents to a labor camp on the Russian front, then to the coming of the new world order that will envelop the hapless countries of Eastern Europe.

The major tragedy of T.'s life is his loss of faith: "I wept for the Communist in me, who had been swept away by this, the greatest experiment of the century." A priest in the service of this new religion during World War II, the young T. aids the advance of the Russian armies on his own country. But this religion, too, turns out to have its inquisitions, heresy trials, confessions, saints, sinners and martyrs. Soon comrades fall all over themselves denouncing one another, and everyone takes his turn in the torture chamber.

Not surprisingly, in a life whose passions are dedicated to the highest good, T. finds mere mortals slipping from his grasp. He is always losing—wives, lovers, friends, colleagues and, finally, his desperate, deranged younger brother, Dani. ("I would love to be able to pray," Dani says. "God can't possibly be an informer.") But in this atmosphere of political and personal despair, there sounds an oddly hopeful note, mostly in the guise of gallows humor. Irony is the painkiller for the conquered's long view of history: "Our revolutions have failed, in wars we always end up on the losing side . . . but when we lie low we come out ahead. We served the Turks, then the Germans, and now the Russians. Two empires have come and gone; the third will also pass. . . . But until it does, keep smiling."

T.'s finest hour comes during the revolution of 1956, when he delivers to the Soviet Embassy his government's "note inviting the world's largest army to leave":

> I slip into my briefcase this impudent and thoroughly justified, this pro-

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> vocative and entirely reasonable note, and get ready to commit my gravest, symbolically most significant crime—the centerpiece of my future indictment . . . this is my last political act; my next public appearance will be in a courtroom. But the affair is not quite over yet, so let's do it right.

Even as he acts, Russian tanks are pouring across the border. On his way back, T. sees joyous crowds in the streets and hears "newsboys screaming the latest headlines: the contents of the government note and the fact that I had delivered it." And though he knows better, he cannot help exulting in his nation's small and temporary victory, reflecting that "it will take years, a lifetime perhaps, until newsboys can once again shout such headlines here. I declare this moment a holiday of the spirit."

For T., now at his ideological journey's end, "the religious wars are over." He intends to return to the insane asylum, "to step aside and let the young take over with their own lies and misconceptions." The new generation consists of "losers like me," he muses, but "they will give each defeat its due. They know they will lose, but will not forfeit the game . . . they have respect for the game—it's the only thing they honor."

The Loser can be read as a morality tale about a country forced into the role of a Great Power pawn, with T. as an Eastern European Everyman, complete with public and private disillusionments. But there is another level of meaning at work here. Like a lavish film epic, the novel teems with extras. When T. merely walks down the street, a veritable universe erupts around him: a schoolmistress with a musical clock; a promiscuous concierge; a blind man carrying a picture of his blind wife; a fat lady helping her drunken husband home; a lame boy with a girl in a wheelchair; an elderly widower with a pet chicken. If only it were possible, thinks the reader, to know in full the myriad stories hinted at! But *The Loser*, like real life, presents us with many more lives than we can ever hope to examine, and this sense of the sheer uncontainability of humanity is a counterweight to the political constriction that pervades the novel. History is, after all, made up of people—for the most part, people living modest lives, attending to their particular concerns. Ultimately, Konrád seems to be saying, people are as uncontainable

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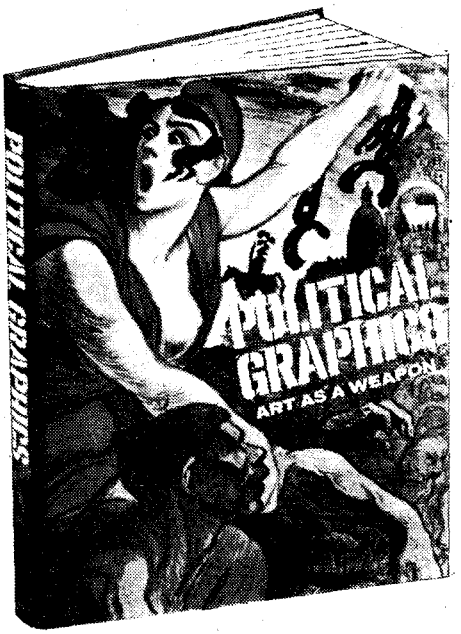

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by political systems as by anything else.

All this is conveyed in a prose so intense that every sentence seems to have been as carefully weighed as a line in a poem. While at times this proves a bit overwhelming, the overall effect is of an astounding richness and completeness. *The Loser* is a literary achievement of the highest rank. □

Camera Versus Easel

SUSAN GRACE GALASSI

THE ARTISTS OF MY LIFE. *By Brassaï. Translated by Richard Miller. The Viking Press. 223 pp. $45.*

For more than half a century the Hungarian photographer Brassaï has lived in Paris, and his chronicle of his adopted home is a uniquely intimate one. Brassaï initially turned to photography to record the lurid underworld he encountered on his habitual night walks—the thugs, pimps, transvestites and streetwalkers who represented for him the vital spirit of the city. Soon his imagination was captured by another unconventional and colorful group—the artists and writers who congregated in the cafes of Montparnasse. Trained as a painter himself, Brassaï developed a rapport with many leading figures of the older generation—Picasso, Braque, Matisse, Giacometti, Dali and others—and he photographed them in their studios and their homes for more than thirty years. *The Artists of My Life* (which incorporates parts of his earlier *Picasso and Company*) is a lively and affectionate memoir, offering selections from Brassaï's photographic record of artists in Paris from the 1930s to the 1960s, along with his reminiscences and observations.

Art about art inevitably reveals as much about the observer as the observed. Often what is most intriguing about these stunning photographs, beyond the documentary information they contain, is the way Brassaï challenges and pays homage to his subjects in a witty dialogue with their work. A remarkable photograph of Matisse, for example, shot in the painter's light-filled atelier in the south of France in 1939, shows the aging artist looking up from his drawing to coolly analyze the undulating form of his nude model. Brassaï goes beyond a straightforward portrayal of a characteristic moment in the artist's life (Matisse's grave demeanor earned him the nickname "the doctor" in his student days) to evoke a prominent theme in Matisse's work: the painter's studio. In a sense, it might be said that Brassaï is playfully competing with Matisse.

This sparring spirit animates other portraits too. Like so many people, Brassaï, on first meeting Picasso, was struck by his mesmerizing eyes, which, as he notes, "had the curious ability to open very wide, revealing the whites all around the pupil." He captured Picasso's characteristic trancelike stare in a photograph that shows him immobile with eyes fixed straight ahead, an allusion to the way he frequently depicted himself in his early self-portraits. With the flamboyant Dali, however, the artist's exhibitionism often conflicted with the photographer's intentions. Brassaï had little sympathy, he tells us, for Dali's obsession with being photographed "in the most outlandish costumes and poses," though he occasionally gave in to this clowning, as in a photograph of Dali in pantaloons, holding up a huge, round fisherman's basket like Atlas shouldering the globe. In another photograph, Dali's profile is shown in shadow, looking out a window at the town of Cadaquez, which is framed in such a way that it can momentarily be taken for a picture within a picture. Brassaï makes use of this confusion of illusion and reality to elicit an issue at the heart of Dali's work and to display his own sympathy with, and mastery of, the spirit of Surrealism.

In his photographs, Brassaï concentrates on what is unique about each artist, depicting him in a manner that reveals—or rivals—the spirit of his art. In his writing he seems more interested in the artist as a type—a romantic hero dominated by intense passions and free of society's constraints, like the street people of his earlier work. Not only does he often steer his conversations with them to episodes in their lives that underlie this image, but he supplements their stories with anecdotes from other

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sources. He draws from Kokoschka, for example, the story of his notorious "Silent Woman," the life-size replica he made of his mistress, Alma Mahler, and then dressed in the finest lingerie and clothes from the best Paris houses. Dali tells Brassaï how he seduced Gala Eluard away from her husband when the couple were visiting him in Spain, thus beginning "the most passionate affair of my life." And about the intense relationship Picasso began in his late 40s with 17-year-old Marie-Thérèse Walter, Brassaï observes, "Try as he might to keep his clandestine affair a secret, the presence of a new woman was immediately evident in his work. With Marie-Thérèse, his painting became filled with sinuous, undulating curves: folded arms, relaxed bodies, wavy hair."

Brassaï also writes of the fierce rivalries that cropped up between these artists. Le Corbusier tells him how his "revered master," Auguste Perret, once prevented him from obtaining an important commission, declaring: "As long as I'm alive, such filth will never be built!" Brassaï gives numerous anecdotes attesting to the competition between Picasso and Matisse, though he notes that they greatly admired each other. "Picasso is the only one who has the right to say bad things about me," Brassaï quotes Matisse as saying.

Brassaï's own competition with the artists he brings so vividly to life is also apparent in his writing, though unfortunately in a less sublimated form than in his photographs. He is unable to resist including many of the compliments they paid him on his work. While some of these comments are relevant, others seem contrived. He gives at some length, for example, a stilted exchange between the art dealer Kahnweiler and another person: " 'Daniel-Henry Kahnweiler, aren't you nervous now that you are about to have your portrait taken by Brassaï?' 'I think I know what you mean,' Kahnweiler replied. 'You are referring to the revealing side of his portraits, from a psychological point of view?' "

And yet Brassaï's need to assert himself is understandable. Although he was and continues to be regarded as a master of his own medium, photography has only recently come to be considered an important art form. That Brassaï found his situation painful is suggested by a conversation with Picasso, who, upon looking at some drawings the photographer had done, exclaimed, "But Brassaï, you own a gold mine and you are exploiting a salt mine!" The fact that Brassaï reports this remark with obvious pride reveals that he too may have felt some ambivalence about the status of photography. □

Small Was Beautiful

SUE M. HALPERN

IT SEEMED LIKE NOTHING HAPPENED: The Tragedy and Promise of America in the 1970s. *By Peter N. Carroll. Holt, Rinehart and Winston. 421 pp. $19.95.*

In the world according to Stanford historian Peter N. Carroll, the 1960s did not die and the 1970s were not a decade of dissipation; if it seemed like nothing happened, you were not looking hard enough. As the subtitle of this political and cultural history hints, *It Seemed Like Nothing Happened* is a hopeful book.

On the surface, the 1970s were pretty grim. Carroll's trenchant portrayal of political leaders and events is a tonic for short memories. The villains conduct secret wars. The inept bumble and bray and sometimes emerge from the golf course long enough to pardon heinous criminals. Confronted with the moral turpitude and incompetence of their leaders, the people recognized their own irrelevance to government and responded with apathy. Voter participation dropped steadily throughout the decade.

But where others have gazed down the graph and seen death, Carroll turns away from standard indicators of political activity and looks instead at the proliferation of small grass-roots organizations. In the 1970s, he argues, the locus of politics changed: "As conventional answers failed to resolve the problems of the age Americans looked increasingly toward alternative values and institutions to create a new sense of community." If only the decade's detractors had been more observant, Carroll suggests, they would have called it the "we" generation.

Small was beautiful in the 1970s. The energy crisis, the war in Vietnam, Love Canal and Three Mile Island demonstrated that the philosophy of unlimited growth was dysfunctional and dangerous—the frontier was closed. Political attentions were refocused closer to home. Neighborhoods were revitalized through local initiatives. The expansion of nuclear power was challenged in small towns like Seabrook, New Hampshire. Native Americans fought to reclaim their lands. Racial and ethnic minorities, the elderly, gays and women bypassed the traditional institutions that had long ignored them and created their own organizational networks and bases of power.

For Carroll, these separate causes were part of a larger quest to connect with others, to establish community. The popularity of Alex Haley's *Roots* and a national passion for the past prompted the Boy Scouts to introduce a merit badge in genealogy—an interest which Carroll calls "the search . . . for a community in time." Designer jeans, vanity license plates and other "mobile totems . . . served not only to link individuals with products and causes, but more importantly, with other like-minded people—the kind who might smoke Camels, save whales, or go to church." Religious sects like the Divine Light Mission and the People's Temple and secular movements like est were equally impelled by a wish for "cosmic connection."

Employing a methodology that appears to be derived from the Great Mandala School of Spiritual Historiography, Carroll too pursues cosmic connections, linking vandalism in public schools to the comet Kohoutek and distrust of professional elites to the success of sports announcer Howard Cosell. Sometimes these odd junctures are plausible, as in Carroll's explanation of the pet rock:

> The undying belief that Americans could exercise hegemony over nature reached its ultimate absurdity in a popular fad of the era—the gift of a "pet rock"—an object so tangible yet so puny as to provide ironic proof of the impotence of human possessiveness.

Often, however, they are gratuitous. Describing Jimmy Carter's 1976 campaign ads, Carroll writes that "his frothy smile seemed part grimace, part bite—a cartoonish attribute that Carter shared with the most popular pinup of

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the year, television's buxom Farrah Fawcett-Majors."

Carroll's irrepressible hankering to make connections, moreover, leads him to place too much social significance on the words or actions of an individual. His dramatic rendering of Squeaky Fromme's assassination attempt on Gerald Ford, for instance, gives new meaning to conspiracy by suggesting that it was the inevitable work of a cipher acting out the will of the people:

> Watergate, Attica, Kent State, the return of political fugitives—all symbols of legal excess—epitomized by mid-decade the resilience of the American system. . . . Beneath this facade of institutional stability, however, breathed a cauldron of anger and frustration. . . . No channels vented this passion. No politics consumed this rage. It could erupt only outside the formal structures of society, in the interstices of power, in the open air, like a fist arching through a crowd.
>
> "I saw a hand coming up behind several others in the front row," recalled the President, "and obviously there was a gun in that hand."

A similarly inflated interpretation attends the death of Lyndon Johnson: "Johnson's demise removed the most obvious scapegoat for the war and spread the burden of responsibility through American society." Johnson died in 1973!

Often, Carroll's desire for the decade to have been better than it was puts him at odds with things as they were. At one point, discussing the impact of the black power movement on the black community, Carroll contends: "No longer would blacks burn their own homes or look to the federal government for help." Yet later he claims that the riots which broke out during the 1977 New York City blackout were a response to inadequate and inequitable government programs, and fails to mention that the rioters once again stuck to their own neighborhoods.

Carroll's penchant for generalization also leads him into contradictions. In one chapter he exclaims:

> Red liberation, brown liberation, black liberation and women's liberation—pockets of resistance to mainstream society—all shared a dynamic of conflict with assimilationists who paid homage to the superiority of white male culture.

In another chapter he writes:

> Women and youth of all cultures; blacks, Chicanos, native Americans, Cubans, Puerto Ricans, Salvadorians; Chinese, Vietnamese, Filipinos—most lived at the edge of mainstream culture. . . . They heard presidential promises, watched thwarted government programs, suffered the exigencies of foreign policy and austerity. Still, they struggled as they endured, hopeful of some ultimate acceptance.

Writing of youth in the 1970s, Carroll states: "The indifference of adults to the problems of the young encouraged the emergence of a distinct youth culture that could survive, almost by definition, only through antisocial behavior." A few paragraphs later, though, teen-agers have relinquished their guns and hustled back into society to the disco beat: "The frustrations of youth culture left its members vulnerable to appeals for assimilation into the social mainstream, a temptation presented through the most influential medium of youth—music."

It Seemed Like Nothing Happened is an idiosyncratic book, imbued with its author's sunny, California-raised consciousness. For all his oversights and excesses, however, Carroll leaves no doubt that political activism was not abandoned in the 1970s but relocated, and it is in this movement that he perceives the promise of the decade. Yet despite his sensitivity to the evolution of small group politics, Carroll fails to consider that the decentralization of political activity and the differentiation of society into self-interested enclaves made Ronald Reagan's electoral victory possible and still secures his power. By keeping resources scarce and playing potential allies off one another, Reagan has effectively prevented a concerted opposition. One decade's promise has become the next decade's burden. □

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THEATER.

RICHARD GILMAN

Although today's younger British playwrights are clearly more gifted than their American counterparts, it isn't the abundance of good new drama that makes most London theatrical seasons, including this one, more satisfying than ours. It's the fact that one can see a wide range of wonderful older plays, most of them done well and some done superlatively. During my recent week-long visit to London there were no plays on by any of the younger writers I admire (Howard Brenton's dramatization of certain events in Brecht's life in exile had just gone out of repertory at the Royal Court, and David Hare's new play had not yet opened at the National Theatre), but there were many more potentially interesting productions of older plays than I had afternoons and evenings to see them in. I can't imagine that happening in New York.

Shakespeare, of course, is always on the boards somewhere in London. I was able to see the Royal Shakespeare Company's *Henry IV, Part 2*, but couldn't squeeze in *Part 1*, and had to leave the day before the R.S.C.'s *Winter's Tale* opened—the same night that *A Midsummer Night's Dream* was opening at the National Theatre. I did, however, see *Hamlet*, directed by Jonathan Miller at the Piccadilly Theatre.

Shaw is another staple of the London stage. For logistical reasons I chose the National's production of *Major Barbara* over *Man and Superman*, with Peter O'Toole, at the Haymarket. I also saw Brecht's rarely performed *Schweyk in the Second World War* at the National, but had to forgo two of my favorite Gilbert and Sullivans, *The Pirates of Penzance* and *The Mikado*, as well as a reputedly elegant revival of Noël Coward's *Design for Living*.

The ease of getting tickets in London is a perpetual surprise. One can turn up at almost any theater and get seats for a performance that day. Apart from a few musicals (*Cats* is still going strong

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and *Evita* hasn't expired yet) or the early weeks of a new play by a fashionable writer like Tom Stoppard (his *The Real Thing* opened while I was there), you don't have to make those ridiculous preparations months in advance the way New York theatergoers routinely do.

The best thing I saw was Miller's *Hamlet*. As a director, Miller has devised some very strange "contemporary" versions of Shakespeare and others, but this *Hamlet* was extraordinarily sober—an austere, faithful rendering, with few cuts, no gimmicks and no attempt whatsoever to make the text "speak" to present-day viewers. The text, as it's in the habit of doing when left unmonkeyed with, spoke nicely for itself.

Miller and his designer, Kandis Cook, dressed the company in costumes of various shades of gray that invoked the past without localizing it beyond a faint suggestion of Puritan garb. There were almost no accouterments—that panoply of spangles, sunbursts, decorative chains, cockades and jeweled scabbards that makes watching conventional Shakespeare productions such a visual strain—and few props. This sobriety, which reminded me of Peter Brook's notable 1962 *King Lear*, extended to the acting; other than John Shrapnel's heavy-handed Claudius and Philip Locke's monotonous Ghost and Player King, it was never less than adequate and in two crucial performances was very much more.

Anton Lesser's Hamlet may have lacked the fine detail of Scofield's or Gielgud's, but it was stalwart and inventive. Lesser is relatively young and takes chances, but he didn't try to impose a "personality," i.e., a set of psychic eccentricities, on the character. Kathryn Pogson's Ophelia was simply the best I've seen in a long time. A tall, slender blond woman with slightly bulging eyes, Pogson was at first touchingly awkward and earnest; as her psyche began to snap, she picked at the edges of madness, her fingers playing distractedly across her chin, her head bent at angles of hopeless inquiry and dismay. "Heartbreaking" is a much overused adjective, but I can't find a better one to describe her performance.

When I saw the set for the R.S.C.'s *Henry IV, Part 2*, I suspected it was by John Napier, and so it was. Napier designed *Nicholas Nickleby* and *Cats*—both under Trevor Nunn, who directed this *Henry*—and his trademarks are by now unmistakable: platforms and levels; constructions of wire and metal sometimes painted to look like wood; movable scenery units; an abundance of nonrealistic detail; a jagged, semi-abstract, highly contemporary look. While I thought there was too much of it in *Cats*, Napier's visual exuberance worked well here. The production was up to the R.S.C.'s usual standards of crispness and animation, and had a marvelous Falstaff in the enormous, rolling, rollicking, booming—in short, Falstaffian—Joss Acklund.

Since March, the R.S.C.'s London home has been the new Barbican Centre for Arts and Conferences, an extremely impressive, extremely costly cluster of buildings whose construction in an England plagued by inflation and unemployment hasn't failed to draw criticism. It has a large theater for major productions and a smaller one called the Pit, a movie theater, a symphony hall, a library, meeting rooms, restaurants, bars and more. It's all pretty dazzling, but the day I left, the papers carried an item about the possibility that the R.S.C. will have to leave within a year. Behind the company's predica-

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ment—it's almost $2 million in the red—are across-the-board cuts in support by the Arts Council, which have affected theaters, musical organizations and museums throughout Britain.

Major Barbara has always been one of my favorite Shaw plays, though after seeing the National's production I've somewhat less admiration for it than before. The first long scene at Lady Britomart's struck me this time as too long and too full of exposition, and the sequence outside the Salvation Army house seemed not quite integrated into the main line of action and thought. My mild dissatisfaction might also have been due to the National's Lyttelton Theatre, an 890-seat house whose enormous stage overwhelmed the proceedings. Yet *Major Barbara* is a durable work, a prime example of Shaw's ability to fuse ideas and passions, and the acting here was never less than competent. If Penelope Wilton's Barbara didn't come close to Wendy Hiller's great film portrayal, what Barbara ever has? Siân Phillips's Lady Britomart and Brewster Mason's Undershaft were nearer the Shavian mark.

I'd never seen *Schweyk in the Second World War*. Brecht wrote it in the 1940s but it wasn't staged until the late 1950s, after his death. He'd based it on the famous World War I novel, Jaroslav Hasek's *The Good Soldier Schweyk*, and while some of the book's delicious satire and shrewd folk wisdom survives, the play's basic conception is troubling. To set the bumbling yet canny Schweyk—who when asked if he's an idiot replies, "An officially certified one, sir" and proceeds to drive the authorities wild—against the vastly greater murderousness of the Nazi regime is, as John Willett has written, "deeply inappropriate."

I knew Willett was right the moment I saw the huge puppets of Hitler, Himmler, et al. that lumber in and out of the action, and the black-uniformed S.S. men against whom Schweyk is most often pitted. Yet, as I say, something comes through from Hasek and, even more richly, from the performance of Bill Paterson as Schweyk. It's not enough to overcome one's uneasiness, but together with the skillful production, modulating between austerity and wild special effects, it does keep the evening from being painful.

I managed to see one new play, a piece that's caused lots of talk. It's popularly known as *Tanzi*, but I ought to give the full title as it appears in the program:

TRAFFORD
TANZI
By Claire Luckham
(Hellcat Feminist)
BATTLE OF THE SEXES
'A Fight to the Finish'
The Venus Flytrap Trafford Tanzi Vs. The Ever Popular Dean Rebel
Full Supporting Programme including
The Trafford Tanzi Story

Luckham is a 38-year-old writer, and her play is about a woman who literally fights her way free of male oppression by becoming a wrestler and challenging her macho wrestler husband to a match that will decide who's to be the "housewife." It isn't a very good play but it's fun to see and, especially, to observe the reactions of the audience during the climactic bout. *Tanzi* is due in New York soon, so I'll be able to make sociological comparisons along with histrionic ones. □

FILMS.

ROBERT HATCH

The Verdict
Still of the Night
Come Back to the 5 & Dime, Jimmy Dean, Jimmy Dean

For what is often dismissed as mindless entertainment, nothing succeeds more reliably than courtroom drama. And when the protagonist before the bar rises from dissolute squalor to challenge the cynical agents of entrenched power, we are being offered the safest bet in show business. Any time it is well done it will prevail.

Sidney Lumet's *The Verdict*, with Paul Newman in the crusading role, is such a tale, and it is indeed well done. For one thing, the star and the players who support him—Jack Warden, Charlotte Rampling, James Mason, Milo O'Shea and Lindsay Crouse, to mention only the most important—are actors and actresses who can bestow on somewhat jaded characters an idiosyncrasy that is a joy to behold. For another, the screenplay (by David Mamet, from a novel by Barry Reed) is a raw, emotional melodrama that nonetheless observes a decent regard for the limits of probability.

When first seen, Frank Galvin (Newman), a once-promising Boston lawyer, has been reduced by alcohol to the most humiliating extremes of ambulance chasing. An older colleague (Warden), one of those canny, disillusioned lawyers who find most of their clients in night court, occasionally throws Galvin an easy case. In the present instance he has put Galvin in touch with a young couple who have brought a malpractice suit, on behalf of the wife's sister, against a Catholic hospital and two of its senior doctors. The circumstances are such that the Boston archdiocese will almost certainly want to settle out of court. And in fact the bishop summons Galvin, conveys to him the church's deep sorrow at the tragedy and offers him a very large check, a third of which, the case having been taken on a contingency basis, will relieve him of his financial difficulties.

But the not-quite-sober Galvin, enraged in part by the arrogance of powerful institutions that assume they can buy immunity from embarrassment, and in part by the contempt for him which the defendants' lawyer (Mason) does not trouble to hide, spurns the settlement and insists on taking the case to trial. His clients, fearing that a relative fortune is about to slip from their hands, are enraged; the lawyer friend, who diagnoses boozy heroics, is in despair. The shabby hero goes his stubborn way.

The situation is familiar enough and, as always, promises gratifying fireworks. They are forthcoming, though Galvin does not follow the ground rules of this plot by renouncing his consoling whisky and marching clear-eyed to legal and personal triumph. He wavers and panics, grabs for the bottle and collapses in self-pity. Newman's progress along the path of Galvin's inadequacies is a sensational exploitation of dramatic suspense. In the end, the sorry fellow wins his case, thanks to the bracing anger of his enigmatic girlfriend (Rampling); thanks also to a lucky hunch at the eleventh hour and to the maverick behavior of a runaway jury. And Galvin's joy in his courtroom victory is offset by a personal blow that subverts the happy ending which has been dangling like a sugarplum before the eyes of an expectant audience. Galvin is a flawed man, and he wins a flawed reward.

So *The Verdict* is a somewhat unusual example of the David and Goliath story. I suspect that some will find it grossly unfair to Goliath. The Catholic

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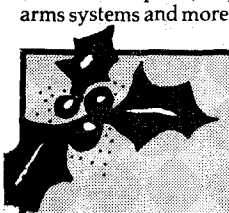

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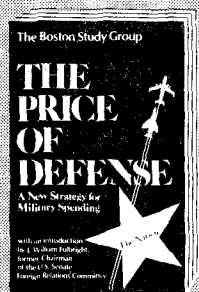

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Church comes off only somewhat spattered, it being at one remove from the battle. But no representative in *The Verdict* of the legal and medical establishments of Boston is left with a rag to cover his naked venality. This is a movie in which the mark of villainy is a well-cut three-piece suit. It does seem that someone's thumb was on the scale, though it might be said, with dubious logic, that the professions, and especially doctors, have enjoyed such deification in popular fiction that some kicking at their clay feet was long overdue.

The same mindless entertainment label can be attached to *Still of the Night*, though it is not nearly as well done. It is billed as a romantic thriller, meaning that it combines murder with a love affair, and is directed by Robert Benton, who wrote the story in collaboration with David Newman. Roy Scheider and Meryl Streep lead a handsome, proficient cast, but the players seem stiff and ill at ease, as though not persuaded of the venture's validity or overawed by the elegance of their surroundings.

These latter are exceedingly posh, being the office of a society psychoanalyst, the Madison Avenue premises of Crispin's Auction Gallery and an estate on the North Shore of Long Island. The film's producers are apparently counting on this glossy real estate to draw the crowd, for they have provided the press with detailed notes describing how meticulously Crispin's offices were modeled on those of Sotheby Parke Bernet, how the director of photography and the costume designer were inspired by the palette of Piero della Francesca, how a teakwood couch was built especially for the patients of Dr. Sam Rice (Scheider) to lie upon and how the house of a prominent Glen Cove hostess was "dressed" for the hair-raising finale.

I get a sense that less work went into the script. Dr. Rice, a quiet, self-contained student of human folly, is treating George Bynum (Josef Sommer), Crispin's expert on antiquities. One evening, Bynum's body tumbles out of a car parked in front of the gallery, and the next day his latest girlfriend, Brooke Reynolds (Streep), shows up at Rice's office and behaves quite oddly, as though, for example, she were harboring a dreadful secret. Naturally enough, this excites the professional, as well as the tender, interest of Rice, who is also curious to learn how his late patient came to have his throat cut.

He turns amateur sleuth, and the story provides him with a welter of false leads, close shaves, ominous coincidences and loose ends that lead him to a confrontation with the mad killer (whom an alert viewer will have spotted somewhat earlier in the chase). At one point, Rice pauses to tell himself, "This is foolish"—a remark that under the circumstances is as unfortunate as that other notorious pitfall of dopey dialogue, "What are we doing here?"

The talents of Scheider and Streep are wasted on this bit of clockwork, as are those of Jessica Tandy, who appears briskly, but very briefly, as Rice's mother and fellow analyst.

Like the other movies reviewed here, *Come Back to the 5 & Dime, Jimmy Dean, Jimmy Dean* is constructed on a well-tested framework, the reunion: a group of one-time buddies get together to recall the good old days, drink a few beers, tell more than a few lies and in general cut one another down to size. It is a difficult sort of story to bring off because the characters are almost necessarily pathetic failures and the exposure of their pretensions seems unimportant, unnecessary and mean. Here it is made no more palatable by the fact that the buddies are women and that their former association was in a James Dean fan club, one of those chapels of misplaced adulation that are symptomatic of emotional starvation.

Ed Graczyk wrote the work originally as a play, which Robert Altman directed in New York City. It flopped, and Altman, stung by the failure, restaged it as a film with basically the same cast. It will probably flop again, although the actresses are quite marvelously affecting in the display of their characters' various vulnerabilities, and although Altman creates in the seedy Woolworth's (the action never escapes into the dusty street) an atmosphere of feverish hallucination that lends a solemn timelessness to the workings of these shallow, ill-furnished minds.

The production is craftsmanship of a high order, but exerted for an insufficient purpose. At least, I can pity the members of the fan club, but I can't get involved in their dreary and repetitious fantasies. And pity of that remote sort is patronizing and debilitating. The members of the cast are Sandy Dennis, Cher, Karen Black, Sudie Bond, Kathy Bates, Marta Heflin and—the one male—Mark Patton. It is a dedicated and resolute company. □

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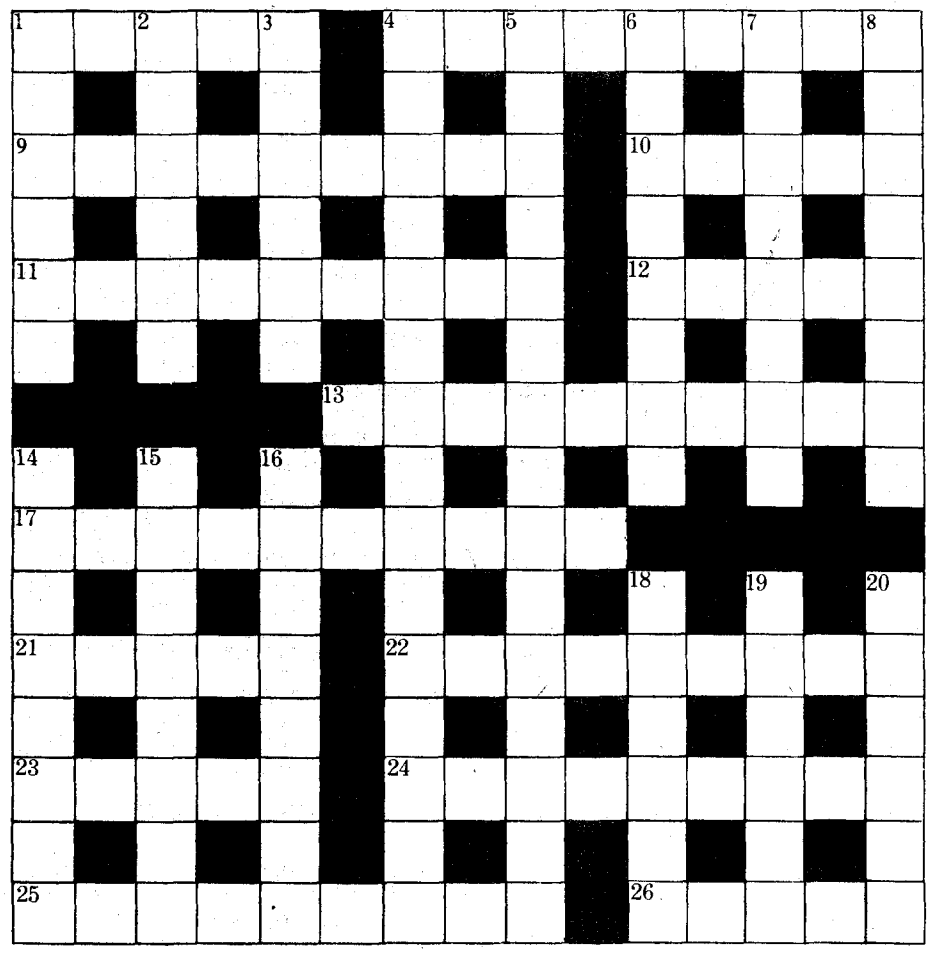
T	■	B	■	C	■	K	■	L	■	U	■	L	■	C
L	E	A	D	E	R	■	B	I	G	S	T	I	C	K
Y	■	M	■	L	■	D	■	C	■	T	■	N	■	O
A	N	A	T	O	M	I	C	A	L	■	P	E	L	F
N	■	■	■	T	■	S	■	T	■	A	■	■	■	T
D	I	R	E	■	U	P	P	E	R	B	E	R	T	H
C	■	E	■	T	■	A	■	S	■	S	■	E	■	E
A	T	T	R	A	C	T	S	■	S	E	X	T	E	T
R	■	R	■	R	■	C	■	S	■	N	■	A	■	R
R	H	E	N	I	S	H	■	L	A	T	A	K	I	A
Y	■	A	■	F	■	E	■	A	■	E	■	E	■	D
A	C	T	O	F	P	R	O	V	I	D	E	N	C	E

X-523

Crossword Puzzle No. 1942

FRANK W. LEWIS



ACROSS

1 Seemed dejected because such transportation is more common in England? (5)
4 Sounds like what the advertising pitch might want you to do, but it's not the main event. (2-7)
9 Why the kid couldn't play the electronic game at the arcade? (It might be given by a determined fighter.) (2,7)
10 Somewhat classic existence, to a point, in Germany. (5)
11 You might see an old soldier reading this, or re-reading, possibly. (9)
12 You don't want to fall for anything on this first. (5)
13 These young men get down to skin little fishes. (10)
17 Doesn't rise according to schedule. (10)
21 The last letter in Lamb, according to one who learned to speak properly on the stage. (5)
22 To make a long story short, mince pie to a St. Louis player of the past. (9)
23 It might be given for service in a political subdivision. (5)
24 Certainly not a skinny lot—no dice here! (3,6)
25 Typically *Abaddon* or *Apollyon* as a naval vessel. (9)
26 The recreation-minded sometimes go for them. (5)

DOWN

1 People grow old in this household. (6)
2 Looked, one hears, to be a trifle irritated. (6)
3 Plays with a small drink, as follows. (6)
4 Louisville Sluggers where the ringers are? That's crazy! (4,2,3,6)
5 Faces his work, no doubt. (What Henry James made of a lady with a rope!) (8,7)
6 There was some question of their inclusion in an Irish chowder—it's all in what the British bowler has. (8)
7 You can't play a violin this way—you'll get nervous. (8)
8 No air? Fruit comes up, to a point, but has not so much on. (8)
14 The direction of Gray's plodder. (8)
15 They might involve the stories of bad liars, etc. (8)
16 I confess to speaking ill of one from Montserrat, perhaps. (8)
18 According to the law, it's OK to raise it, with hers being unsettled. (6)
19 What Hancock notably did with poor design. (6)
20 Puts off what the underdog does. (6)

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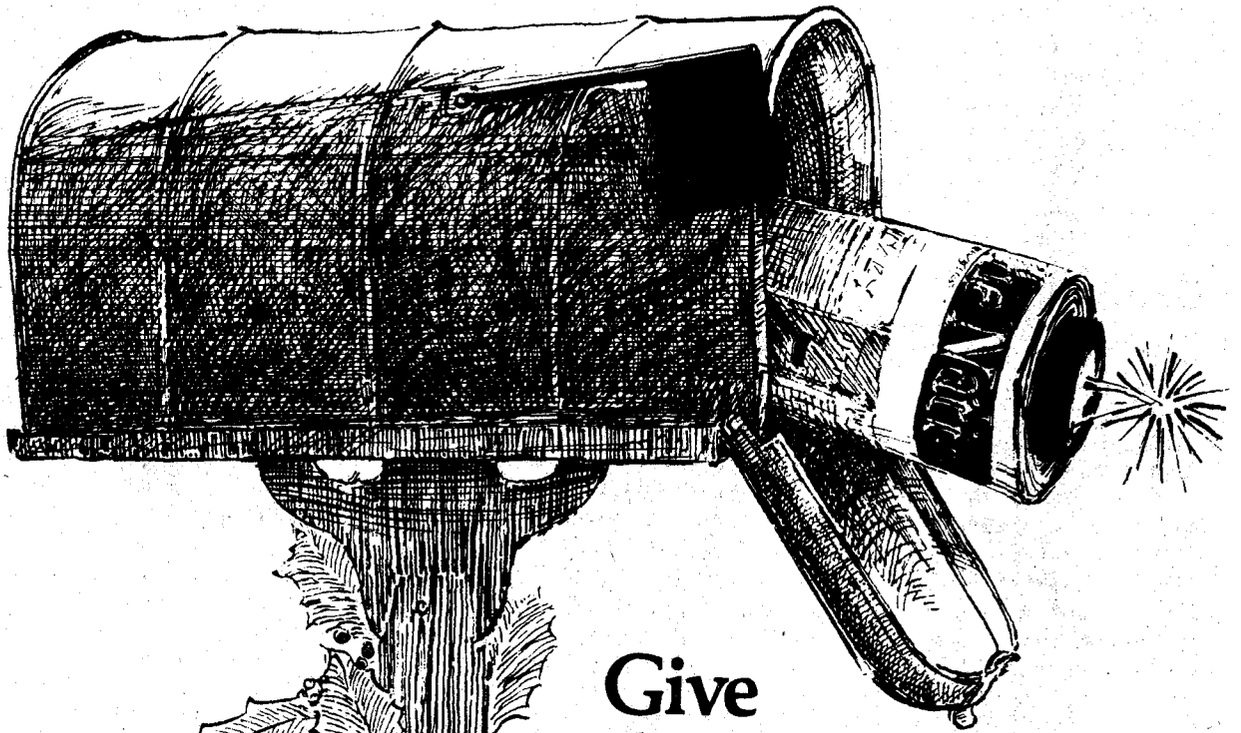

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